INITIAL STUDY and PROPOSED MITIGATED NEGATIVE DECLARATION for

SAN FRANCISCO BAY TRAIL, WILDCAT CREEK TO SAN PABLO CREEK, CONTRA COSTA COUNTY, CALIFORNIA

April 2009

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1.1 Project Description

Overview

The East Bay Regional Park District (EBRPD) proposes to construct a new San Francisco Bay Trail (Bay Trail) connection from the existing Wildcat Creek Regional Trail to San Pablo Creek at the foot of Parr Boulevard. The proposed trail would also connect to an existing segment of Bay Trail at the adjacent West Contra Costa Sanitary Landfill, on the San Pablo Bay Shoreline (see Figure 1). The Bay Trail is a regional trail system designed to provide shoreline access opportunities linking communities along the San Francisco Bay. In the West Contra Costa County area of the City of Richmond and adjacent unincorporated areas, there are over 35 miles of existing and planned shoreline trails. Realignment of the existing 0.6-mile Bay Trail segment that is currently routed along the Richmond Parkway would bring the trail user closer to the Richmond shoreline, separate the user from a heavily traveled vehicular route along the Richmond Parkway, and provide interpretive opportunities of Wildcat Marsh. The proposed trail route is included in the ABAG Bay Trail Plan, EBRPD's Master Plan, and the City of Richmond General Plan. Figure 2 shows completed and planned Bay Trail sections in Richmond near the project site.

The project site consists of a wastewater treatment plant operated by the West County Wastewater District (WCWD), along with a small portion of the adjacent Contra Costa Sanitary Landfill (WCCSL). The WCWD plant is accessed from Pittsburg Avenue and Garden Tract Road. The site connects to Richmond Parkway at the northeast corner. On the north, the site is adjacent to San Pablo Creek and the entrance area of the WCCSL on Parr Boulevard. The remainder of the WCCSL is located to the north of the proposed trail alignment. West of the proposed trail is a tidal marsh area, known as Wildcat Marsh, which includes areas of upland, transition zone, pickleweed marsh and tidal slough. South of the site is the Wildcat Creek Regional Trail and staging/parking area, owned and operated by EBRPD. The site drains to Wildcat Marsh, Castro Creek and San Pablo Bay, east of the Chevron Richmond Refinery.

The proposed trail alignment consists of nine segments from the south side of San Pablo Creek at Richmond Parkway, west and south to a connection with the existing Wildcat Creek Regional Trail (Figures 3 and 4). The segments, which are described in detail below, are:

1. Richmond Parkway Connection (on existing San Pablo Creek Levee)
2. San Pablo Creek Access to Parr Boulevard (on existing paved service road)
3. Parr Boulevard Entry Gate and bridge crossing at Landfill (WCCSL lands)
4. Storage Area Loop (on existing unpaved road and levee)

5. Central Area Shared Use (on existing paved service road)
6. Existing Tidal Slough Crossing (over existing culvert)
7. South Area Shared Use (on existing paved service road)
8. Equalization Basins (on old road grade west of fence)
9. Connection to Wildcat Creek Regional Trail (new boardwalk and trail)

Segment 1: Richmond Parkway Connection on San Pablo Creek Levee

Length. 725 feet (station[1] 0+00 to 7+25)

Description. Trail Segment 1 would be located between the existing WCWD wastewater ponds and San Pablo Creek, on top of an existing east-west flood control levee at the boundary between Contra Costa County Flood Control District and WCWD lands. The existing flood control levee extends approximately 600 feet in length and rises six to eight feet above adjacent wastewater plant access road with approximately 3:1 side slopes. Segment 1 would include new transition ramps; one connecting the existing Richmond Parkway sidewalk to the east end of the flood control levee, and one connecting the west end of the flood control levee to the paved access road at the east end of an existing concrete flood control wall. These ramps would be constructed with a five-percent grade to facilitate ADA access.

Trail Components. Segment 1 trail implementation includes removal of an existing eight-foot-high perimeter fence located atop the flood control levee. A new eight-foot-high chain link and barbed wire security fence would be installed at the outer edge of the existing paved access road adjacent to the WCWD sludge drying basins. The new trail would require removal of non-native iceplant and grasses in the transition ramp areas and on top of the levee, and trimming of existing non-native Lombardy poplars and willow trees along the length of the levee. The earthfill transition ramps at either end of the flood control levee would have maximum grades of five percent and side slopes of no steeper than 2:1. A new stabilized decomposed granite (DG) trail surface would be placed along the length of the levee and the transition ramps over imported backfill materials. A sign and bench would be installed at the Richmond Parkway entry and native riparian trees and shrubs would be planted along the levee to replace existing iceplant vegetation. The western terminus of Segment 1 is currently separated from Garden Tract Road and the WCWD plant by a 25-foot-wide gate. New fencing and a new gate would be installed at the end of Garden Tract Road to establish a secure shared-use trail.

[1] Stationing refers to locations as mapped on the project plan sheets, with 0+00 representing the trail starting point at Richmond Parkway and 57+00 representing the terminus at the existing Wildcat Creek Regional Trail. Each 1+00 stationing represents 100 feet. For instance, the distance between 1+00 and 2+25 equals 125 feet.

Segment 2: San Pablo Creek Paved Access to Parr Boulevard Bridge Shared Use

Length. 705 feet (station 7+25 to 14+30)

Description. Trail Segment 2 would be located on an existing east-west paved access road, which is separated by existing eight-foot-high fencing from both the WCWD plant and San Pablo Creek. A 30-inch high vertical concrete floodwall also separates the access road from the creek at the base of the existing perimeter fence. This 25-foot-wide paved access road would be used as a shared use-trail. This road, which is used periodically by heavy trucks delivering materials to the WCWD plant and for the maintenance and transfer of materials from the sludge drying ponds, connects the end of Garden Tract Road to the south end of the Parr Boulevard Bridge.

Trail Components. The proposed trail segment would require new fencing and access gates at the east and west ends of this shared-use route. This segment of proposed trail would be closed periodically to trail users at the discretion of WCWD, while still allowing access to the Segment 1 levee trail from Richmond Parkway. A limited amount of existing dense and tall Coyote brush would be removed along the floodwall, along with trimming of Monterey Pine trees along the WCWD fence to provide vertical clearance. The existing asphalt concrete (AC) road surface would be suitable for trail use.

Segment 3: Parr Boulevard Bridge to Landfill Parking Lot and Bicycle Pedestrian Bridge

Length. 370 feet (station 14+30 to 15+75, and 225-foot trail spur)

Description. Trail Segment 3 includes trail components that would be located on WCCSL lands. This segment includes a spur trail that would connect the western end of Segment 2 to the existing trail parking and staging area at WCCSL. This segment of trail would cross the access road between WCCSL and the WCWD plant, which in the past has accommodated periodic water truck traffic and occasional heavy equipment access for sludge pond maintenance. The landfill currently has a reclaimed water pump and underground piping system, which should limit access road traffic to infrequent WCWD sludge pond maintenance and material deliveries.

Trail Components. The proposed trail would enter the WCCSL entrance road right-of-way at the south end of the Parr Boulevard Bridge, and be routed southwest along the paved shoulder of the entrance road, adjacent to and above an existing drainage ditch. Three-foot-high concrete traffic barriers would be installed between the trail and the roadway to protect users from Landfill traffic. The spur would continue west along the north boundary of the WCWD property, crossing the plant access road at a new painted crosswalk with signage. The trail would be separated by traffic with concrete traffic barriers. The trail would cross the existing concrete-block lined v-ditch and terminate at the existing WCCSL parking lot and staging area, either at grade or over a new 20-foot-long eight-foot-wide timber frame bridge. This section of trail would require regrading, backfilling, and surfacing with stabilized decomposed granite along the edge of the existing road and v-ditch. In addition to surfacing and grading, this segment of trail

would require improvements to several existing underground utility and monitoring well vaults along the WCCSL entrance road right-of-way. A new ten-foot-wide pedestrian access gate with bollards would be constructed immediately west of the existing automatic WCWD entrance gate, requiring removal of a single non-native Lombardy poplar tree.

This segment also includes relocation of an existing waste oil tank and concrete containment pad to higher ground within the material storage area.

Segment 4: Storage Area and Wastewater Basin Perimeter

Length. 1,450 feet (station 5+75 to 30+25)

Description. This segment includes a new trail through an unpaved area on WCWD lands between the existing WCWD perimeter fence and an existing material storage area to connect with an existing perimeter access road. The trail would continue on the access road west of the material storage area and around a wastewater retention basin.

Wildcat Marsh is to the west and south of the proposed trail segment, separated from the WCWD property by an existing ten- to 12-foot-high chain link fence outboard of the levee.

Trail Components. In addition to trail surface improvements for accessibility, this trail segment would include retrofitting the existing ten- to 12-foot-high perimeter chain link and barbed wire fence with a four-foot-high wildlife/open space fence, consisting of open wire fencing with an anti-perching top. A new eight-foot-high chain link and barbed wire security fence would be installed between the proposed trail and WCWD use areas. Fencing would be designed to avoid affecting a proposed solar panel installation at the retention basin. A ten-foot-wide access gate would be installed along the new perimeter fence. Trail construction would require trimming and limited removal of Coyote brush and non-native Lombardy poplar trees along the north perimeter of WCWD. Construction of this segment of trail would also include subgrade preparation of existing unpaved areas and installation of new stabilized decomposed granite trail surfacing and site furnishings (one bench and one sign).

Segment 5: Central Area Existing Service Road Shared Use

Length. 875 feet (station 30+25 to 39+00)

Description. Trail Segment 5 consists of a north-south section of existing paved access road from the southeast corner of the storage/retention basin area to an existing tidal slough crossing. This existing 25-foot-wide paved access road, which runs between active WCWD sludge drying basins and an eight-foot-high perimeter fence along the western edge of the WCWD property, provides all-weather access for plant operations and periodic sludge basin maintenance.

Trail Components. This segment would be shared use with WCWD, with fencing at each end to limit trail users during WCWD maintenance. Trail improvements include

retrofitting the existing eight-foot-high chain link and barbed wire perimeter fence and gates with a four-foot-high wildlife/open space fence, consisting of open wire fencing with an anti-perching top. A new eight-foot-high chain link and barbed wire security fence would be installed along the inboard edge of the paved access road with new 25-foot-wide access gates at the north end and at each existing intersection along this shared-use route. Additional 12-foot-wide gates may be required along the new security fencing at each existing sludge basin drainage weir to allow for access and maintenance. This segment of proposed trail would be closed periodically to trail users during sludge basin maintenance, or at the discretion of WCWD. A limited amount of existing non-native iceplant and grasses would be removed along the existing perimeter fence and replaced with native species. The existing AC road surface would be suitable for trail use, requiring only new fence, gates, signage, and striping.

Segment 6: Existing Tidal Slough Crossing Shared Use

Length. 80 feet (station 39+00 to 39+80)

Description. Trail Segment 6 consists of an existing 12-foot-wide gravel surfaced culvert crossing over a tidal slough, which runs east to west through the middle of the WCWD property. The crossing, which is currently the only onsite access for WCWD operations south of the slough, is inadequate to serve both trail users and continued use by heavy trucks and equipment. Furthermore, the two existing side-by-side 48-inch diameter corrugated metal culvert pipes, which extend for a total length of 25 feet, are in need of replacement. The banks of the crossing and adjacent slough are sloped at approximately 2:1 and covered with dense non-native iceplant and grasses.

Trail Components. This proposed segment of shared-use trail includes widening the top surface of the crossing to approximately 25 feet to accommodate trail users and ongoing WCWD operations. EBRPD has a memorandum of understanding with the California Department of Fish and Game (DFG), a Regional General Permit with the U.S. Army Corps of Engineers (ACOE) and a Water Certification from the Regional Water Quality Control Board (RWQCB) for discretionary replacement of existing culverts allowing an incremental increase in pipe diameter and a 25 percent increase in overall length. The two existing 25-foot-long, 48-inch diameter corrugated metal culvert pipes would be replaced with two new side-by-side, 30-foot-long, 54-inch diameter reinforced concrete pipes and new cast-in-place concrete headwalls at either end to strengthen and widen the existing crossing. The final shared-use AC paved road surface would be a total of 25 feet wide. The existing eight-foot-high perimeter fence and gates on the west edge of the crossing would be retrofitted with a new four-foot-high wildlife/open space fence, consisting of open wire fencing with an anti-perching top. A new eight-foot-high chain link and barbed wire security fence would be installed inboard of the new paved crossing surface. Two new 25-foot-wide access gates would be installed along the new eight-foot-high security fence at road intersections immediately to the north and south of the crossing to provide unimpeded access. This segment of proposed trail would be closed periodically to trail users during sludge basin maintenance, or at the discretion of WCWD. A limited amount of existing non-native iceplant and grasses would be

removed along the existing perimeter fence, and in the immediate vicinity of the culvert, to be replaced with native species planting. Construction of this segment would include imported backfill materials, paving, and striping, in addition to culvert replacement.

Segment 7: South Area Existing Service Road Shared Use

Length. 670 feet (station 39+80 to 46+50)

Description. Trail Segment 7 is an existing access road which is proposed for shared use. This consists of a straight north-south section of existing paved access road, with a single 90-degree curve. This existing 25-foot-wide paved access road, which runs between active WCWD sludge drying basins and an eight-foot-high perimeter fence along the western edge of the WCWD property, provides all-weather access for plant operations and periodic sludge basin maintenance.

Trail Components. This proposed segment of shared-use trail includes retrofitting the existing eight-foot-high perimeter fence with a new four foot high wildlife/open space fence, consisting of open wire fencing with an anti-perching top. A new eight-foot-high chain link and barbed wire security fence would be installed along the inboard edge of the paved access road with new 25-foot-wide access gates at each existing intersection along this shared-use route. Additional 12-foot-wide gates may be required along the new security fencing at each existing sludge basin drainage weir to allow for access and maintenance. This segment of proposed trail would be closed periodically to trail users during maintenance, or at the discretion of WCWD. A limited amount of existing non-native iceplant and grasses would be removed along the existing perimeter fence, and replaced by native species planting. The existing AC road surface would be suitable for trail use, requiring only new fence, gates, signage, and striping.

Segment 8: Equalization Basins Existing Paved Road

Length. 900 feet (station 46+50 to 55+50)

Description. Trail Segment 8 consists of an existing north-south road just west of the existing eight-foot-high perimeter fence at the toe of the equalization basin embankment along the southwest border of the WCWD property. Locating the proposed trail on this abandoned paved road grade, as opposed to the access road immediately adjacent to the equalization basins, would reduce security concerns associated with the concrete-lined basins and would allow for uninterrupted access to this segment of trail. The abandoned 12-foot-wide asphalt roadway, which is moderately vegetated, is currently at elevation 6.5 -- approximately two feet above high water and immediately adjacent to Wildcat Marsh.

Trail Components. This proposed segment would require removal of non-native iceplant, grasses, and pickleweed within the roadway and adjacent perimeter fence at the toe of the equalization basin embankment prior to surfacing with stabilized decomposed granite. This segment of trail also includes new four-foot-high wildlife/open space fence, consisting of open wire fencing with an anti-perching top. The existing eight-foot-high

chain link and barbed wire security fence would remain in place except for a new gate and bollard opening at the north end of the segment.

Segment 9: Connection to Wildcat Creek Regional Trail
Length. 150 feet (station 55+50 to 57+00)

Description. Trail Segment 9 would consist of a new timber-frame bridge and trail connecting to the existing Wildcat Creek Regional Trail across a drainage ditch at the southwest corner of the WCWD property. This segment of trail would connect the Segment 8 trail with the existing paved Wildcat Creek Regional Trail.

Trail Components. This proposed segment of trail would require the construction of an approximately 20-foot-long by eight-foot-wide timber-frame bridge structure spanning between cast-in-place concrete abutments at a maximum slope of five percent. The remaining portion of this proposed segment would consist of new at-grade trail requiring grading and imported backfill, at a maximum slope of five percent. A 60-foot-long section of stabilized decomposed granite surfaced trail would join the existing Wildcat Creek Regional Trail pavement at top of slope. The new perimeter fence proposed for outboard of Segment 8 would be extended to connect to an existing 80-foot-long by four-foot-high wood and wire perimeter fence, which would remain. The existing eight-foot-high chain link and barbed wire perimeter fence and gate at the south end of Segment 8 would be improved and bollards would be added to prohibit unauthorized vehicles.

Hours of Operation

The proposed trail would be posted as open the same hours as the existing partially completed loop trail at WCCSL, and would conform to the WCCSL/WCWD's hours of operation, approximately 9:00 a.m. to 4:00 p.m.

Import and Export of Soil

The project would involve import of approximately 600 to 700 cubic yards of fill material (soil) to the site. Most of this fill would be used for the transition ramps in Segment 1, with smaller amounts used for filling around the culvert in Segment 6 and for backfill in Segment 9. In addition, an estimated 20 to 30 cubic yards of trench spoils would be removed during the replacement of the culvert in Segment 6.

As lead agency, EBRPD has prepared this Initial Study and Mitigated Negative Declaration (IS/MND) to address the environmental impacts of the proposed San Francisco Bay Trail, Wildcat Creek to San Pablo Creek, in accordance with the California Environmental Quality Act (CEQA). This document addresses proposed trail construction and operation activities that would result in *physical changes* to the existing environmental conditions of the site. This IS/MND also identifies environmental commitments that would be implemented as part of the project, and mitigation measures that would be applied to reduce or eliminate the impacts of the project.

1.2 Environmental Commitments

The proposed project includes a set of comprehensive environmental commitments to reduce project impacts. These include sensitive species avoidance procedures, selective vegetation management, compliance with national and regional policy, protective trail use regulations and fencing design, and pollution prevention procedures (both construction related and long term). These environmental commitments, included as part of the project design, are described in detail in the following paragraphs.

Sensitive Species Avoidance Procedures

Rare Plant Survey. A pre-construction rare plant survey for all sensitive plants shown in Table 2 will occur after the exact trail alignment has been flagged, but prior to any trail construction. The survey will be conducted by a qualified botanist familiar with the plants in question, and in the appropriate flowering periods for these plants. If encountered, any rare plants found within 50 feet of the proposed trail will be flagged and fenced off to avoid disturbance.

Survey for Migratory Bird Nests. All trail construction along San Pablo Creek, including all vegetation clearing and the limbing of trees, will occur outside of the migratory bird nesting season, between September 1 and January 31. If vegetation management and removal must occur during the bird nesting period, such activities will be preceded by a survey for bird nests by a qualified biologist. If active bird nests are found, all construction activities, including vegetation management, will occur only after the nests are no longer active.

Protection of California Clapper Rail, White-Tailed Kite, California Black Rail, San Pablo Song Sparrow, and Salt Marsh Yellow Throat During Construction Activities. To protect more distant populations of California clapper rail, white-tailed kite, California black rail, San Pablo song sparrow, and salt marsh yellow throat, all trail project construction work will occur between September 1 and January 31, to avoid their breeding seasons. Work outside this window may occur following consultation with and approval from the jurisdictional agencies. A qualified biologist will train the construction crew on the appearance and life history of these bird species, should they unexpectedly occur near the trail construction work areas. A qualified biological monitor will conduct daily monitoring of the project site during all work activities occurring near the edge of the adjacent salt marsh in Segments 6, 7, 8, and 9.

If a California clapper rail or California black rail is observed near the project work site, work will stop and the biological monitor will notify EBRPD management. If the bird leaves the vicinity of the work area of its own volition, then work can proceed after approval by the biologist. If the bird does not leave the project vicinity, no work will occur until the DFG and/or U.S. Fish and Wildlife Service (USFWS) has been notified and additional avoidance measures, if any, are discussed with DFG and implemented.

Protection of Sensitive Small Mammal Species (salt marsh harvest mouse - SMHM, San Pablo vole - SPV, salt marsh vagrant shrew - SMVS) During Construction. During trail construction work in Segments 6, 7, 8, and 9, the construction area will be completely fenced with temporary small mammal exclusion fencing (to be removed following construction). This will form an exclusion barrier between salt marsh and adjacent seasonal wetlands and upland areas, and the trail construction corridor. The final location and design of the exclusion fencing will be approved by the California Department of Fish and Game. A qualified biological monitor will monitor for SMHM and other small mammal avoidance immediately prior to mobilization, and during installation of the temporary exclusion fencing, its removal, and replacement with the permanent, approved wildlife fence.

The qualified biological monitor will conduct a training session with the construction contractor and all crewmembers to acquaint them with the appearance and life history of all sensitive small mammals that could potentially visit the project work area. The qualified biological monitor will conduct daily monitoring of all construction activity during construction of trail Segments 5, 6, 7, 8, and 9. The qualified biological monitor will also ensure that all construction personnel, equipment, and materials are kept within the approved limits of construction, within fenced exclosure areas, and do not encroach into any sensitive species habitat.

Should a sensitive small mammal species be observed within the work areas, and not readily leave of its own volition, all work will stop until the qualified biological monitor contacts the USFWS and the DFG, and additional avoidance measures, if any, are discussed and implemented.

Selective Vegetation Management

Selective Vegetation Removal. Vegetation removal will be limited to trees, shrubs, and non-native exotic species that directly encroach upon the proposed trail alignment. Vegetation removal will be limited to plants growing above the mean high water mark, with the exception of grubbing incidental to culvert replacement at Segment 6 (mostly non-native iceplant and grasses) for which the applicant has an existing memorandum of understanding with the DFG.

Thinning and Limbing of Native Trees. All woody vegetation clearing along San Pablo Creek, including any needed limbing and branch thinning of willows and cottonwoods, will be conducted under the direction of a qualified biological monitor. In general, the thinning will be limited to that needed to construct a trail with appropriate horizontal and overhead passage (10 feet minimum). This will require construction of the trail in the immediate vicinity of large native trees and shrubs to be completed using small mechanized equipment and/or hand labor.

Trail Use Policies and Fencing Design

Trail Fencing Plan. The fencing plan has been developed by the project engineer in consultation with EBRPD staff and the project biological consultant. The design calls for a 6 strand, barbless wire fence, with wire at 4 inches, 8 inches, 12 inches, 20 inches, 34 inches and 48 inches above grade. This design should help keep any dogs and people along the trail out of the adjacent sensitive wetlands while allowing the movement of small mammals (such as SMHM, vagrant, shrew, vole) within their existing natural range. EBRPD staff will consult with representatives from the DFG to approve the trail fence design.

Trail Use Regulations. Preliminary trail use standards developed by EBRPD call for trail closure between 4:00 PM and 9:00 AM. Other proposed trail standards will require: 1) the development and implementation of an interpretive program (interpretive panels) explaining the biological resources and the sensitivity of Wildcat Marsh, and 2) the posting of permanent signs at the three trail entrance points explaining trail standards (trail closure hours, no dogs, stay on trails, etc.). In addition, trail signage stating "No Trail Access, Sensitive Wildlife Habitat, Visitor Access Prohibited" will be posted at a minimum of 300-foot intervals.

EBRPD staff will consult with representatives from WCWD, WCCSL, and the DFG to finalize trail use regulations that include trail use hours, policies on allowance of dogs, interpretive and other educational signage, and other important trail use regulations. EBRPD will be responsible for implementing the agreed-upon trail use regulations.

Regulatory Agency Compliance

Local Agency Compliance. The applicant will submit an application package to the San Francisco Bay RWQCB for a National Pollution Discharge Elimination System (NPDES) General Permit for Construction Activities, and will obtain a General Permit before commencing construction. The application package will include development and implementation of a Stormwater Pollution Prevention Plan (SWPPP), submittal of a Notice of Intent (NOI), and development/implementation of an Erosion Control Plan.

The applicant will obtain all necessary permits and/or authorizations required by the San Francisco Bay Conservation and Development Commission, the DFG, and the RWQCB. It is anticipated that no permits will be required beyond those needed for replacement of the culvert, which is covered by the EBRPD's existing Memorandum of Understanding and DFG Regional General Permit for discretionary replacement of existing culverts.

The applicant will obtain all necessary permits for tree alteration and removal from the Contra Costa County Flood Control and Water Conservation District and the City of Richmond.

Federal Agency Compliance. The applicant will confirm permit requirements and authorizations under Sections 401 and 404 of the Clean Water Act with the ACOE and

the San Francisco Bay RWQCB, submit permit applications as appropriate, and obtain these authorizations before commencing construction. It is anticipated that project activities requiring RWQCB and ACOE approval will be limited to replacement of the existing culvert, which is already covered by the East Bay Regional Park District's existing Memorandum of Understanding and DFG Regional General Permit for discretionary replacement of existing culverts.

The applicant will re-confirm that the ACOE will not take jurisdiction over the old asphalt roadbed that will be reconstructed as a stabilized decomposed granite trail, and that the two proposed clear span crossings, with abutments above ordinary high water/mean high tide, can be constructed without the necessity for issuance of a ACOE permit, provided that there will be no incidental or direct fill placement into regulatory waters/wetlands.

Construction Scheduling. Construction activities will be timed to avoid impacts to biological and water resources. Construction activities involving significant soil disturbance and earthwork will take place during the dry season, between June 15 and October 31, or as otherwise determined by permitting agencies, and in compliance with Section 401 of the Federal Clean Water Act. Construction outside of this window may be permitted following consultation with and approval from the permitting agencies.

Pollution Prevention Procedures

NPDES Coverage. The applicant will submit an application package (including a Notice of Intent or NOI) to the State Water Resources Control Board for a National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities, and will obtain a General Permit before commencing construction. The submittal will include a Stormwater Pollution Protection Plan (SWPPP) prepared by the applicant/contractor in conjunction with the submittal of the NOI to comply with the NPDES, along with any Section 404 Wetlands Fill Permit and Section 401 Regional Board Water Quality Certification requirements. The SWPPP will include both temporary and permanent Best Management Practices (BMPs) and other elements to be implemented during the construction phase and throughout the life of the proposed trail improvements. The project SWPPP and related water quality and stormwater runoff protection plans will include, but will not be limited to, the following measures for the construction period:

- **Erosion Control Plan.** The plan will include erosion control/soil stabilization techniques such as straw mulching, erosion control blankets, erosion control matting, and hydro-seeding to create a stable permanent vegetated soil surface. Silt fences used in combination with straw fiber rolls will be installed down slope of all graded slopes. Fiber rolls will be installed in the flow path of graded areas receiving concentrated flows and fiber rolls or proven sediment traps will be placed around any identified storm drain inlets and inflow points to drainage ditches. A construction entrance will be placed and stabilized to prevent tracking of dirt onto roads next to the site through use of a gravel base, erosion control

blankets, or other approved elements. Additionally, rock checks, fiber rolls, or other suitable material will be placed below any culvert outfalls to neighboring waterways to prevent soil erosion from concentrated flow in these areas.

- "Best Management Practices" will be implemented for preventing the discharge of other construction-related NPDES pollutants beside sediment (i.e., paving materials, sawdust from treated wood posts and rails, concrete, etc.) to downstream waters.

- After construction is completed, all drainage facilities will be inspected for accumulated sediment and other debris, and these drainage structures will be cleared of debris and sediment.

- East Bay Regional Park District engineering/construction inspection staff, in coordination with City of Richmond and Contra Costa County Public Works staff will visit the site during grading and construction to ensure compliance with City and County grading, stormwater and erosion control ordinances and SWPPP requirements, and note any violations, directing the construction contractor to correct immediately.

If a Contra Costa Clean Water Program C.3 plan is required, the provisions below will be revised to match the C.3 requirements (infiltration BMPs, etc.). Long-term measures to be included in the updated project SWPPP will include, but are not limited to, the following:

- Description of potential sources of erosion and sediment at the proposed project site, and any hazardous or potentially hazardous materials and chemicals. This will include a thorough assessment of existing and potential pollutant sources.

- Permanent "Best Management Practices" (BMPs) to protect surface water quality will be implemented throughout the life of improvements.

- BMPs and all water quality controls will be designed to retain existing drainage patterns at the site to the maximum extent possible.

- The monitoring and maintenance program will be conducted at the frequency stipulated in the approved SWPPP. The SWPPP will be adjusted, as necessary, to address any inadequacies of the BMPs.

- Following completion of trail construction, a trails maintenance plan will be developed and implemented based on the standard trail maintenance practices of East Bay Regional Park District, also incorporating adopted District maintenance BMPs and procedures.

- Trail maintenance activities incorporating EBRPD BMPs will take place throughout the life of improvements, and the SWPPP will establish maintenance responsibility, funding, and schedules.

1.3 Mitigation Measures

The following Mitigation Measures are extracted from Section 3.0, *Initial Study Checklist*. EBRPD would incorporate these measures into the project, described in Section 1.1, to avoid or minimize potentially significant impacts, and thereby reduce them to an insignificant level. Mitigation Measures will be incorporated into the project design and construction schedule. EBRPD will not initiate a project without an identified commitment of funds to implement the following mitigation measures.

Air Quality Mitigation

MITIGATION MEASURE AQ-1: *Basic dust control measures will be implemented. Control measures may include: controlling dust with watering or palliatives; requiring all trucks to maintain at least two (2) feet of freeboard; limiting traffic speeds on unpaved roads to 15 miles per hour; and suspending activities when winds are too great (i.e., exceed 25 miles per hour) to prevent visible dust clouds from affecting sensitive receptors.*

Biological Resources Mitigation

MITIGATION MEASURE BIO-1: Conduct Pre-construction Surveys for Active Western Burrowing Owl Burrows and Implement the California Department of Fish and Game Guidelines for Western Burrowing Owl Mitigation and Compensate for Impacts, if Necessary. *A pre-construction survey to locate active western burrowing owl burrows along the entire proposed trail alignment, wherever burrowing owls may reasonably be expected to occur, will be completed by a qualified biologist. The survey will encompass a 100-foot wide buffer zone around the proposed trail centerline. The survey will be conducted according to the DFG's 1995 Guidelines for Western Burrowing Owl Mitigation. The pre-construction surveys will include a breeding season survey and a wintering season survey. If no western burrowing owls are detected, no further mitigation is required. If active western burrowing owls are detected, EBRPD, in cooperation with WCWD, will implement the following measures:*

Occupied burrows will not be disturbed during the breeding season (February 1 to August 31).

- *Avoidance is the preferred method of addressing potential impacts; no disturbance will typically occur within 160 feet of occupied burrows during the non-breeding season (September 1 to January 31) or within 250 feet during the breeding season (February 1 to August 31).*

- *If owls must be moved away from the project site during the non-breeding season, passive relocation techniques (e.g., installing one-way doors at burrow entrances) will be used instead of trapping, as described in the DFG guidelines. At least one week will be necessary to complete passive relocation and allow owls to acclimate to alternate burrows.*

- *If active western burrowing owl burrows are found and the owls must be relocated, EBRPD will develop a burrowing owl mitigation plan in coordination with DFG.*

Cultural Resource Mitigation

MITIGATION MEASURE C-1: *In the event that prehistoric or archaeological artifacts or remains are encountered during construction activities, all ground disturbing activities will be halted within at least 50 feet and artifacts will be protected in place (in accordance with EBRPD Board Resolution No. 1989-4-124 and federal and state law), until the find is evaluated by a qualified archaeologist.*

MITIGATION MEASURE C-2: *If the qualified archaeologist determines that the find is an important resource, funding and time will be provided to allow recovery of the resource or to implement avoidance measures.*

MITIGATION MEASURE C-3: *In the event of accidental discovery of human remains, the County Coroner will be notified, and, if the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) will be notified within 24 hours to identify the Most Likely Descendant (MLD), in accordance with federal and state law. The disposition of the remains will be coordinated between EBRPD, the County Coroner, NAHC, MLD and the archaeological consultant, in accordance with federal and state law.*

Mitigation for Hazards and Hazardous Materials

MITIGATION MEASURE HAZ-1: *All proposed imported fill material will be reviewed by EBRPD before importing to the project site. EBRPD will require certification that the fill material is clean. Fill will be accepted only if tests confirm it meets acceptable standards for heavy metals, petroleum hydrocarbons, volatile organic compounds, semi-volatile organic compounds, PCBs, pesticides and asbestos.*

Soil generated by excavation and grading operations at the project site will be sampled and profiled for disposal to an appropriate landfill facility, in accordance with federal and California Environmental Protection Agency (EPA) regulations. Stockpiling, storage, and transport of soils will comply with California Department of Transportation, San Francisco Regional Water Quality Control Board, and Cal EPA applicable rules and regulations.

MITIGATION MEASURE HAZ-2: *Prior to work, all equipment will be inspected for fuel, oil, and hydraulic leaks, and repaired.*

MITIGATION MEASURE HAZ-3: *Fueling of equipment and vehicles will occur in upland areas a minimum of 100 feet from any wetland or open water. Storage of petroleum products will be maintained off-site, and a spill prevention plan will be developed and implemented to contain and clean-up spills. An oil spill kit will be kept on-site.*

Mitigation for Utilities and Service Systems

MITIGATION MEASURE UTIL-1: *The project sponsor will comply with all state laws and local ordinances pertaining to recycling.*

1.3 Determination

An Initial Study has been prepared under the direction of the East Bay Regional Park District's Planning, Stewardship and GIS Services Department, in which the environmental effects of the proposed project have been evaluated. On the basis of this Initial Study, a copy of which is attached, the District has found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project and mitigation measures have reduced all impacts to an insignificant level. Therefore, the proposed project does not require EBRPD to prepare an Environmental Impact Report.

Prepared by:

Michael Kent & Associates
Environmental Consultant

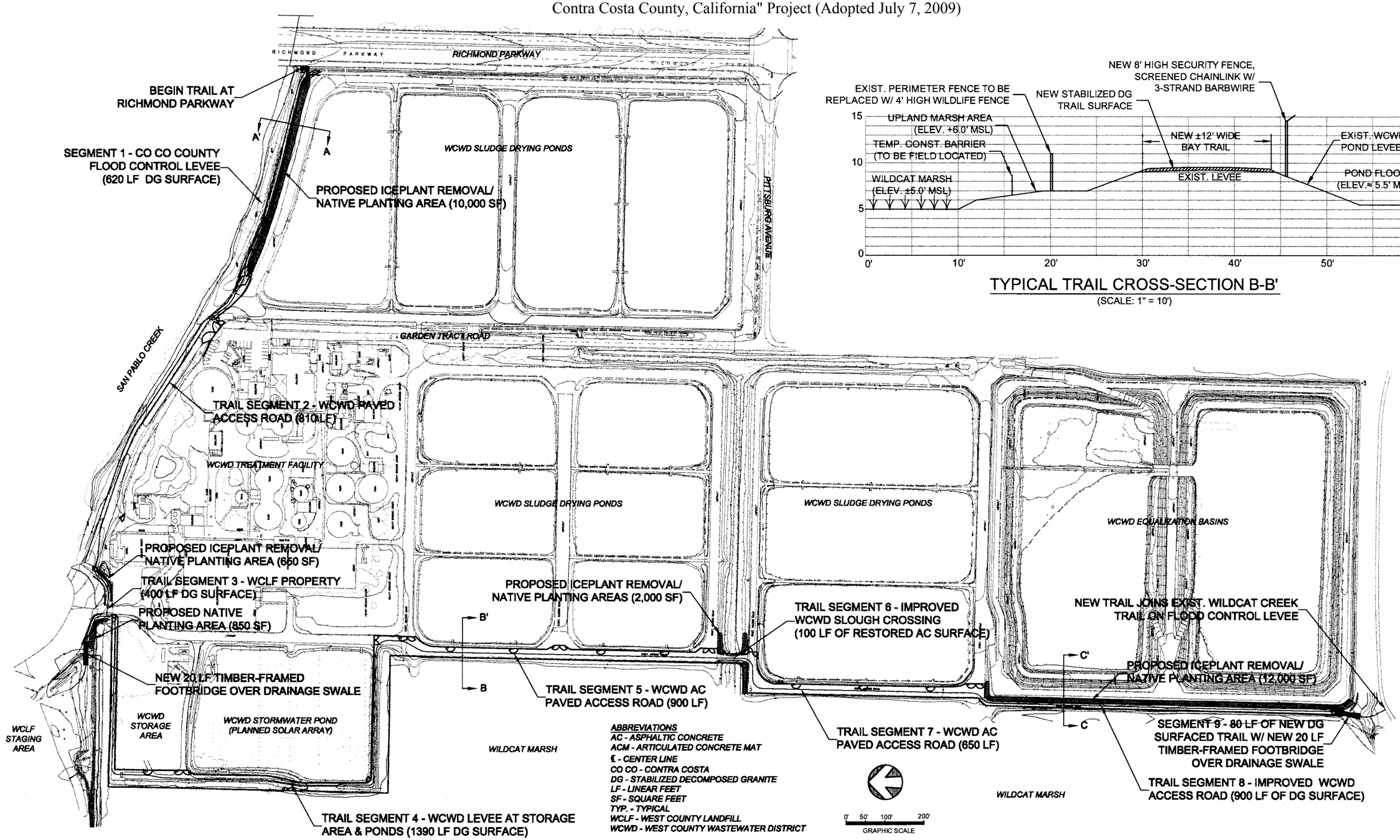
APPROVED:

DATE: 4/15/09

Brian Wiese
Chief, Planning, Stewardship and GIS Services Department

Date: 01/15/2007 Drawn: W.S. Approved: JP Proj. No.: 260138	QUESTA ENGINEERING CORP	East Bay Regional Park District	Project Location San Pablo Creek to Wildcat Creek Trail, Richmond California	Figure 1 page 17


Figure 2.
Completed and Planned
Bay Trail Sections
Bay Trail
Complete
Incomplete
Connector trails
Complete
Incomplete
Parks/Open Space
Water Bodies
Point Wilson
Point Pinole Regional Shoreline
UP rail corridor
Atlas Road
San Pablo Avenue
Richmond Parkway
Point San Pablo
Point San Pablo Yacht Harbor
West County Landfill
San Pablo Creek
SAN PABLO
Wildcat Creek Trail
Wildcat Creek Viewpoint
Davis Park
Gertrude
Hensley St
23rd Street
Point Molate
Western Drive
Pennsylvania
Richmond BART Station
RICHMOND
Castro Point
Castro Street
Garrard Blvd
West Macdonald
Richmond-San Rafael Bridge
Ohio Ave
Central Richmond Greenway
El Cerrito del Norte BART Station
Ohlone Greenway Trail
Chevron Texaco Long Wharf
Cutting Blvd
Keller Beach
Canal
Marina Bay Pkwy
Regatta
Marina Bay Park
Miller-Knox Regional Shoreline
Seacliff Dr
Marina Bay
Ferry Point
Point Potrero
Lucretia Edwards Park
Vincent Park
Shimada Park
Eastshore State Park
Point Isabel Regional Shoreline
Brooks Island Regional Preserve
N
0 0.25 0.5 0.75 1 Miles
(Source: City of Richmond 2006)



TYPICAL TRAIL CROSS-SECTION B-B'
(SCALE: 1" = 10')

ABBREVIATIONS
AC - ASPHALTIC CONCRETE
ACM - ARTICULATED CONCRETE MAT
℄ - CENTER LINE
CO CO - CONTRA COSTA
DG - STABILIZED DECOMPOSED GRANITE
LF - LINEAR FEET
SF - SQUARE FEET
TYP. - TYPICAL
WCLF - WEST COUNTY LANDFILL
WCWD - WEST COUNTY WASTEWATER DISTRICT

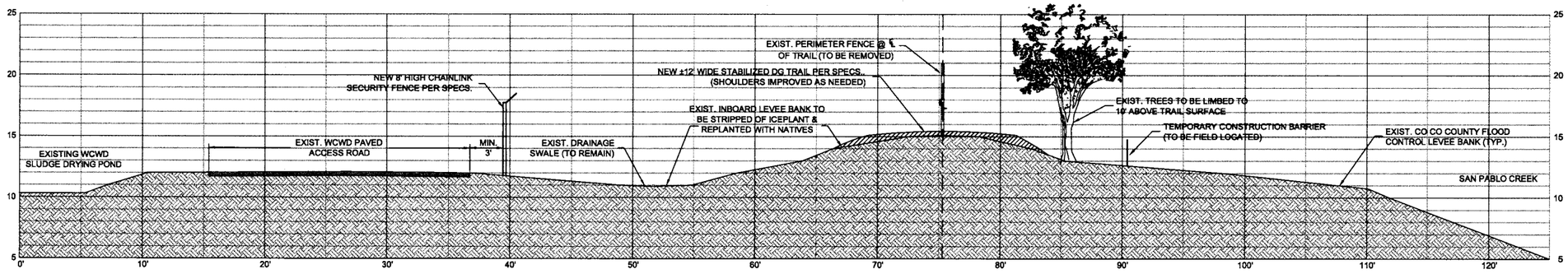
EAST BAY REGIONAL PARK DISTRICT
2950 PERALTA OAKS COURT, OAKLAND, CA 94605 888/327-2757

Date:	1/14/2009
Drawn:	JCM
Appr'd:	JP
Dwg. No:	260138_011409_CEQA.dwg

QUESTA ENGINEERING CORP.
Civil Environmental & Water Resources
(510) 236-6114 FAX (510) 236-2423 questa@questaec.com
P.O. Box 70356 1220 Brickyard Cove Road Point Richmond, CA 94807

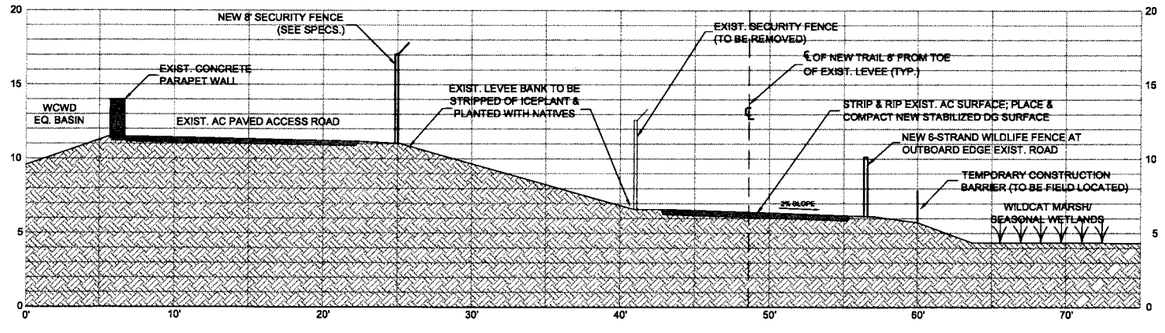
TRAIL LAYOUT AND SITE PLAN
WILDCAT CREEK TRAIL
RICHMOND, CALIFORNIA

FIGURE 3



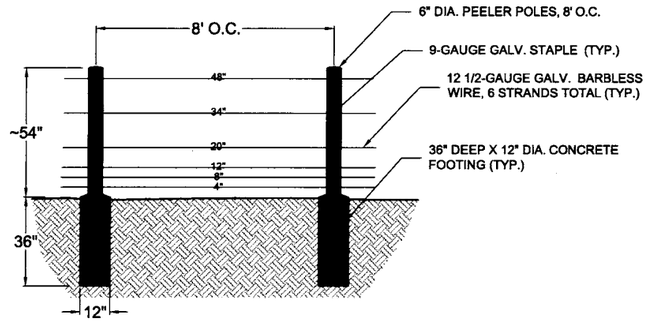
TYPICAL TRAIL CROSS-SECTION A-A'

(SCALE: 1" = 10')



TYPICAL TRAIL CROSS-SECTION C-C'

(SCALE: 1" = 10')



6-STRAND BARBLESS WILDLIFE FENCE

(SCALE: 1" = 20')

NOTE: SEE FIGURE 3 FOR ABBREVIATIONS & CROSS-SECTION LOCATONS

EAST BAY REGIONAL PARK DISTRICT 2950 PERALTA OAKS COURT, OAKLAND, CA 94605 888/327-2757	Date: 1/15/2008 Drawn: JCM Appr'd: JP Dwg. No: 260138_011508.dwg	QUESTA ENGINEERING CORP. Civil Environmental & Water Resources (510) 236-6114 FAX (510) 236-2423 questa@questaec.com P.O. Box 70356 1220 Brickyard Cove Road Point Richmond, CA 94807	**TRAIL DETAILS** WILDCAT CREEK TRAIL RICHMOND, CALIFORNIA	FIGURE 4

2.0 BACKGROUND AND SITE INFORMATION

2.1 Introduction

The East Bay Regional Park District has prepared this Initial Study and Mitigated Negative Declaration for the proposed project (described in Section 1.1), pursuant to the California Environmental Quality Act, as amended (Public Resources Code Section 21000 et seq.), and in accordance with the State of California *CEQA Guidelines* (California Code of Regulations Section 15000 et seq.).

The purpose of this IS/MND is to address the environmental impacts of the proposed segment of the Bay Trail between Wildcat Creek and San Pablo Creek, in western Contra Costa County, California and to determine whether the project could result in potentially significant effects to the environment; and, if so, to incorporate mitigation measures to reduce or eliminate the project's potentially significant effects to less-than-significant levels.

If, after consideration of this Initial Study and any comments received during the public review period, EBRPD finds no substantial evidence that the proposed project would have a significant adverse effect on the environment, then a Mitigated Negative Declaration would be submitted for approval by the EBRPD Board of Directors, as provided in CEQA, Section 21064.

2.2 Project Purpose and Need

The Association of Bay Area Governments (ABAG) is designated by the state and federal governments as the official comprehensive planning agency for the Bay Area. Its locally adopted Regional Plan provides a policy guide for planning the region's housing, economic development, environmental quality, transportation, recreation, and health and safety. One of ABAG's duties is implementation of the Bay Trail Plan. The Bay Trail is a regional trail system designed to provide shoreline access opportunities linking communities along San Francisco Bay. The Bay Trail, when complete, will encircle San Francisco and San Pablo Bays with a continuous 400-mile network of bicycling and hiking trails, connecting the shoreline of all nine Bay Area counties, linking 47 cities, and crossing the major toll bridges in the region. To date, approximately 240 miles of the alignment, or more than half the Bay Trail's ultimate length, has been completed.

In the West Contra Costa County area, there are over 35 miles of existing and planned shoreline trails. In the project vicinity, the current Bay Trail route is located on the sidewalk of the Richmond Parkway. South of the project site, there is a trail spur (the Wildcat Creek Regional Trail) and parking area on the north bank of Wildcat Creek, and to the north of the project site, a partially-completed spur trail is planned to loop around the base of the West Contra Costa Sanitary Landfill. Completed portions of this loop trail include a staging/parking area near the Landfill entrance, and a segment of trail leading west from the staging area to the San Pablo Bay shoreline. However, there is no pedestrian connection from the Richmond Parkway to the Landfill. Parr Boulevard is a

busy industrial street with no sidewalk, heavy truck traffic serves a number of heavy industrial uses, and the existing Parr Boulevard bridge crossing of San Pablo Creek does not provide pedestrian access.

The purpose of the San Francisco Bay Trail, Wildcat Creek to San Pablo Creek is to create a new Bay Trail connection on the San Pablo Bay Shoreline, between the existing Wildcat Creek Regional Trail on the south, and San Pablo Creek and a partially-completed trail loop at the adjacent West Contra Costa Sanitary Landfill on the north (Figure 1). The realignment of this 0.6-mile Bay Trail segment would bring the trail user closer to the Richmond shoreline, separate the user from a heavily traveled vehicular route along the Richmond Parkway, and provide interpretive opportunities of the Wildcat Marsh. The trail route is identified in the ABAG Bay Trail Plan, EBRPD's Master Plan, and the City of Richmond General Plan.

2.3 Project Review and Approval

This Initial Study and Mitigated Negative Declaration have been distributed for review by local and regional agencies with jurisdiction over the project site. A notice of availability of the IS/MND has also been sent to adjacent property owners. The document is available for review at the following locations:

Richmond Public Library
35 Civic Ctr. Plaza
135 Washington Avenue
Richmond, CA. 94804

East Bay Regional Park District, Attn: Everett James
Planning, Stewardship and GIS Services Department
P.O. Box 5381
2950 Peralta Oaks Court
Oakland, CA 94605
Phone: (510) 544-2320
Fax: (510) 635-3478

Available for Download on East Bay Regional Park District Website

www.ebparks.org

Written comments on the IS/MND should be submitted to EBRPD, before the end of the 30-day public review period (not later than **5:00 p.m. on Monday, May 25, 2009**. Comments should be sent or faxed to the attention of the Planning, Stewardship and GIS Services Department, at the above address. In reviewing the IS/MND, focus should be on the sufficiency of the document in identifying and analyzing any potential impacts on the environment, and the proposed ways in which any significant effects of the project are to be avoided or reduced.

The EBRPD will review and evaluate all written comments received during the public review period, and determine whether any substantial new environmental issues have been raised. If there are substantial new environmental issues not covered in the IS/MND, further documentation, such as an Environmental Impact Report or an expanded IS/MND, may be required. If not, the EBRPD Board of Directors would adopt the Mitigated Negative Declaration and approve the project. The EBRPD would file a Notice of Determination with the Contra Costa County Clerk's Office within five days following project approval.

2.4 Regulatory and Local Agency Approvals and Permits Needed

Table 1 summarizes the agencies with jurisdiction over the proposed project, applicable laws and authorizations or permit approvals needed to implement the proposed project.

Table 1: Agency Jurisdiction and Project Approvals

Agency	Applicable Law or Regulation	Authority or Permit Action
	FEDERAL	
U.S. Army Corps of Engineers	Sections 401 and 404 CWA	Consultation: MOU for replacement of culvert—confirm adequacy of mitigations with ACOE Confirm wood-frame bridges can be built without permit
	STATE	
California Department of Fish and Game	California Public Resources Code (CPRC)	Consultation: MOU for replacement of culvert—confirm adequacy of mitigations with DFG Confirm wood-frame bridges can be built without permit
	REGIONAL	
San Francisco Regional Water Quality Control Board	San Francisco Bay Area Basin Plan	CWA Section 402 National Pollutant Discharge Elimination System (NPDES) Permit
Bay Conservation and Development Commission (BCDC)	Federal Coastal Zone Management Act (CZMA)	(Possible) Permit for fill and other project work within a 100-foot band beyond the mean high tide line
	LOCAL	
Contra Costa County	County Code	Use Agreement, San Pablo Levee
Contra Costa County Flood Control and Water Conservation District	County Code	Encroachment Permit
City of Richmond	Municipal Code	Richmond Parkway Encroachment Permit

2.5 Environmental Setting

The trail project site is located along the perimeter of a wastewater treatment plant, operated by the West County Wastewater District (WCWD). The site connects to Richmond Parkway in the northeast corner, and is next to San Pablo Creek and the entry area (Parr Boulevard) to the West Contra Costa Sanitary Landfill at the north. A portion of the trail route would be adjacent to the West Contra Costa Sanitary Landfill (WCCSL), and portions of the trail in this area would be adjacent to Landfill access roads and/or on WCCSL property. West of the site is tidal marsh, including areas of upland, transition zone and pickleweed marsh, and tidal slough, known as Wildcat Marsh. South of the project site, Wildcat Creek flows to San Francisco Bay. The Wildcat Creek Regional Trail runs along the north side of Wildcat Creek between a staging/parking area at the Richmond Parkway and the Bay, where the proposed trail would connect with the Wildcat Creek Regional Trail. The project site drains to Castro Creek and San Pablo Bay, east of the Chevron Richmond Refinery.

Pittsburg Avenue and Old Garden Tract Road provide access to the WCWD treatment plant. As an operational facility, the WCWD treatment plant consists of a physical plant area, where waste is initially treated, as well as a series of ponds for settlement, drying, temporary storage, and stormwater detention. Each of these areas must be kept accessible to heavy equipment for maintenance and management of the ponding areas. As such, there are roads around each pond, as well as a perimeter access road that is used for security patrol, as the plant is operational 24 hours a day. Chain link fencing, which is as high as 12 feet in some places, surrounds the plant. The plant's most sensitive areas (which need to be kept secure from human intrusion) are the physical plant (piping and machinery area at the north end of the site), and the equalization ponds at the southwest corner of the site (Questa Engineering Corporation 2003). The ponds are considered an attractive nuisance because they are large ponding areas that have smooth concrete sideslopes and that contain open water; trespassers have entered this area for swimming. Another sensitive area is the "boneyard" in the northwest corner, where old pipe, metal and other materials are stored, presenting a potential safety hazard.

For the Wildcat Creek Regional Trail mentioned above, the East Bay Regional Park District is conducting a preliminary engineering feasibility study of several alternative trail crossings of the Richmond Parkway at a location approximately 1,000 feet east of the southern terminus of the proposed trail that is the subject of this Initial Study/Mitigated Negative Declaration (IS/MND). At the time this IS/MND was prepared, no alternative had been selected or proposed. If in the future a design for the Wildcat Creek Regional Trail crossing is selected and proposed, a separate environmental assessment would be required at the time.

3.0 INITIAL STUDY CHECKLIST

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project. All of the impacts are either less than significant, or can be reduced to a less than significant level with revisions to the project.

	Aesthetics		Agricultural Resources	X	Air Quality
X	Biological Resources	X	Cultural Resources		Geology/Soils
X	Hazards & Hazardous Materials		Hydrology/Water Quality		Land Use/Planning
	Mineral Resources		Noise		Population/Housing
	Public Services	X	Recreation		Transportation/Traffic
X	Utilities/Service Systems	X	Mandatory Findings Of Significance		

3.1 AESTHETICS – Would the project:	**Rating**
a) Have a substantial adverse effect on a scenic vista?	L
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	N
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	L
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	N
Legend: N = No Impact; L =Less-Than-Significant Impact; M = Less-Than-Significant Impact with Mitigation Incorporated; S = Potentially Significant Impact	

In accordance with CEQA, the project would cause a significant impact if it were to noticeably increase visual contrast and substantially reduce scenic quality; block or disrupt existing views or reduce public opportunities to view scenic resources; and/or conflict with policies and regulations governing aesthetics.

a, c) The project site consists of an existing wastewater treatment plant located adjacent to Wildcat Marsh and San Pablo Bay. While some portions of San Francisco and San Pablo Bays are accessible to the public, urbanization and industrial uses characterize much of the shoreline. Wildcat Marsh and San Pablo Bay adjacent to the project site are not currently accessible to the public but could provide immediate views of tidal flats and salt marshes and more distant views of San Pablo Bay and the surrounding region. Most

of the proposed trail alignment would be constructed along existing access roads at the treatment plant, and would be located along the western boundary of the treatment plant, adjacent to Wildcat Marsh. The trail would provide new public access to the visual resources of Wildcat Marsh and San Pablo Bay to the west.

The greatest visual alterations as seen from nearby viewpoints would be the addition of a pedestrian bridge (Segment 3) and the change in fencing. The new pedestrian bridge may be visible from nearby viewpoints and would provide new publicly accessible views of Wildcat Marsh and San Pablo Bay, but would not substantially change the overall visual character of the area, as it would be located in an area characterized by existing roads, infrastructure and a bridge over San Pablo Creek. The site is currently surrounded by several different styles and heights of chain link fencing. In the portion of the trail leading from the Richmond Parkway to the western side of the site, the project would remove the existing eight-foot-high fences along Segment 1 adjacent to the Creek, and next to WCWD ponds would be replaced with a fence of equal height, as well as three-foot concrete traffic barriers along Segment 3. In the portion of the trail along the western side of the site with the best potential views of Wildcat Marsh and San Pablo Bay (Segments 4 through 9), existing fences on the western (outboard) side of the trail ranging from eight to 12 feet in height would be replaced with a fence no more than four feet in height. On the inboard (eastern) side of the trail, an eight-foot-high security fence would be installed where none currently exists. The inboard security fence would screen views of the wastewater treatment plant facilities to the east, but would not interfere with views of Wildcat Marsh and San Pablo Bay to the west. The new outboard fence (between the trail and Wildcat Marsh) would be lower than the existing fence, which would enhance views of wildlife and the surrounding area from the new trail. Trail construction would require removal of a limited quantity of vegetation along the trail alignment, but this would not substantially degrade or affect the existing visual and scenic resources at the site. The overall effect of the project on scenic vistas and the scenic quality of the area would be minor, and individually and cumulatively would be ***less than significant***.

b) There would be ***no impact*** because there are no visually significant trees, rock outcroppings, historic buildings, scenic highways, or other scenic resources at the site that would be adversely affected by the project. Views from the project site to the marsh would be enhanced.

d) The trail would not be open during nighttime and would not involve any additional lighting. There would be ***no impact*** on light or glare.

3.2 AGRICULTURAL RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	**Rating**
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	N
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	N
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	N
Legend: N = No Impact; L =Less-Than-Significant Impact; M = Less-Than-Significant Impact with Mitigation Incorporated; S = Potentially Significant Impact	

a, b and c) The areas affected by the proposed project are not used for agriculture, and are not designated as farmland in the City of Richmond General Plan (Environmental Science Associates, Inc. 1993) or the Contra Costa County General Plan (Contra Costa County Community Development Department 2005). The project site is not zoned for agriculture or protected under Williamson Act contracts. There would be ***no impact*** on agricultural resources.

3.3 AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	**Rating**
a) Conflict with or obstruct implementation of the applicable air quality plan?	N
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	M
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	L
d) Expose sensitive receptors to substantial pollutant concentrations?	L
e) Create objectionable odors affecting a substantial number of people?	L
Legend: N = No Impact; L =Less-Than-Significant Impact; M = Less-Than-Significant Impact with Mitigation Incorporated; S = Potentially Significant Impact	

a) The San Francisco Bay Area Air Basin is currently non–attainment for ozone (State and federal ambient standards) and PM_{10} (State ambient standard). While air quality plans exist for ozone, none exists (or is currently required) for PM_{10}. The Revised San Francisco Bay Area Ozone Attainment Plan for the 1–Hour National Ozone Standard and the Bay Area 2005 Ozone Strategy are the current ozone air quality plans required under the federal Clean Air Act (Bay Area Air Quality Management District 2001, Bay Area Air Quality Management District 2006). The State–mandated regional air quality plan is

the Bay Area 2000 Clean Air Plan (CAP) (Bay Area Air Quality Management District, 2000). These plans contain mobile source controls, stationary source controls, and transportation control measures to be implemented in the region to attain the State and federal ozone standards within the Bay Area Air Basin.

A project would be judged to conflict with or obstruct implementation of the regional air quality plan if it would be inconsistent with the growth assumptions, in terms of population, employment, or regional growth in Vehicle Miles Traveled. The project would not conflict with any of the growth assumptions made in the preparation of these plans nor obstruct implementation of any of the proposed control measures contained in these plans. There would be ***no impact.***

b) The primary air quality issues associated with construction and use of the Bay Trail segment are the potential for dust and vehicle emissions.

Construction-related emissions are generally short-term in duration, but may still cause adverse air quality impacts. Dust contains small particulate matter, or PM_{10}, which is the pollutant of greatest concern with respect to construction activities. The Bay Area Air Quality Management District (BAAQMD) has established significance thresholds for emissions of PM_{10} and other ozone precursor pollutants (nitrogen oxides and reactive organic gases) of 80 pounds per day for each pollutant. BAAQMD's approach to CEQA analyses of construction impacts is to emphasize implementation of effective and comprehensive control measures rather than detailed quantification of emissions (BAAQMD 1999).

Operational air quality impacts of the project would result primarily from vehicle emissions generated by trail users. The BAAQMD *CEQA Guidelines* generally do not recommend a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day. The number of daily users of the proposed trail is expected to be well below this threshold, and this impact would be ***less than significant.***

Construction vehicle travel, used for both transporting materials and workers to work sites, is a potential source of carbon monoxide (CO) emissions. The BAAQMD *CEQA Guidelines* indicate that exceedances of the CO air quality standard are not anticipated from projects that generate less than 550 pounds per day of CO, do not cause congestion at intersections or do not increase traffic by ten percent or more at congested intersections. Traffic generated by implementation of the trail project would not lead to exceedances of CO air quality standards. Therefore, the impact of construction vehicle travel would be ***less than significant.***

The project would require accessing work sites by construction vehicles and limited earthmoving, which has the potential to cause disturbance to soils. The primary source of airborne dust generated by the project would be construction vehicle travel on unpaved access roads to work sites. Although dust generation is expected to be localized, and would not result in emissions that affect off-site receptors, this is a ***potentially significant*** impact. Implementation of Mitigation Measure AQ-1, which stipulates basic control

measures per BAAQMD *CEQA Guidelines*, such as limiting traffic speeds on dirt access roads to 15 miles per hour, to reduce air pollution emissions from trail construction activities, would reduce this impact to a ***less than significant*** level.

> ***MITIGATION MEASURE AQ-1:*** *Basic dust control measures will be implemented. Control measures may include: controlling dust with watering or palliatives; requiring all trucks to maintain at least two (2) feet of freeboard; limiting traffic speeds on unpaved roads to 15 miles per hour; and suspending activities when winds are too great (i.e., exceed 25 miles per hour) to prevent visible dust clouds from affecting sensitive receptors.*

c) Almost all air basins within California are non-attainment areas for one or more criteria air pollutants. Activities that emit criteria air pollutants within those air basins could have a significant cumulative impact on air quality. As discussed in Item 3.3.a, above, the San Francisco Bay Area Air Basin is currently non–attainment for ozone and PM_{10}. The air quality management districts and air pollution control districts established under federal and state law to preserve air quality have adopted regional air quality plans intended to reduce pollutant emissions over time. The state mandated regional air quality plan, the Clean Air Plan (CAP), identifies control measures for non-attainment air pollutants. Inconsistency with the CAP would be considered a significant environmental impact. The ABAG *Bay Trail Plan,* EBRPD's *Master Plan*, and the *City of Richmond General Plan* are consistent with the Clean Air Plan and the proposed project is consistent with these plans. Therefore, the project would not result in a cumulatively considerable air quality impact. This impact would be ***less than significant.***

d) There are no sensitive receptors, such as houses, schools, or hospitals, located within 500 feet of any potential work site related to the trail project. As discussed in Item 3.3.b, above, the project would require access by construction vehicles and heavy equipment and involve earth-moving activities that would disturb soils and have the potential to create dust. The primary source of airborne dust generated by the project would be travel of construction vehicles on unpaved roads. Implementation of Mitigation Measure AQ-1, which stipulates basic control measures to reduce dust emissions from construction activities, would reduce the impact on sensitive receptors to a ***less than significant*** level.

e) Construction and operation of the trail project would not generate objectionable odors or affect a substantial number of people. The existing wastewater treatment plant at the project site generates odors that vary in intensity during the course of the year, but which at times would generally be considered objectionable. The project would not change the frequency or intensity of these odors, but would create a new public trail that could expose users to these existing odors. Because the existence of substantial odors would be intermittent, the number of anticipated trail users affected by the odors would be relatively small, and use of the trail would be limited in duration for each by individual user, as well as being voluntary, the impact of odors at the proposed trail project would be ***less than significant.***

3.4 BIOLOGICAL RESOURCES – Would the project:	**Rating**
a) Have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	M
b) Have an adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	L
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	L
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	L
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	L
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	L
Legend: N = No Impact; L =Less-Than-Significant Impact; M = Less-Than-Significant Impact with Mitigation Incorporated; S = Potentially Significant Impact	

ENVIRONMENTAL SETTING

Because of the location of the proposed trail project adjacent to Wildcat Marsh, a focus of this biological initial study is on issues related to special status species and sensitive communities, especially salt marsh habitat. Special-status species are plants and animals that are legally protected under state and federal Endangered Species Act (ESA), other regulations, or species that are considered sufficiently rare by the scientific community to qualify for such listing.

Special status plants are species in the following categories:

- Plants listed or proposed for listing as threatened or endangered under the federal ESA (50 CFR 17.12 [listed plants] and various notices in the Federal Register [proposed species]);
- Plants that are Category 1 or 2 candidates for possible future listing as threatened or endangered under the federal ESA (58 FR 188: 51144-51190, September 30, 1993);
- Plants listed or proposed for listing by the State of California as threatened or endangered under the California ESA (14 CCR 670.5);

- Plants listed under the California Native Plant Protection Act (Cal. Fish and Game Code, Section 1900 et seq.); and

- Plants considered by the California Native Plant Society (CNPS) to be "rare, threatened, or endangered in California" (Lists 1B and 2 in Skinner and Pavlik 1994).

Special-status animals are species in the following categories:

- Animals listed or proposed for listing as threatened or endangered under the federal ESA (50 CFR 17.11 [listed animals] and various notices in the Federal Register [proposed species]);

- Animals that are Category 1 or 2 candidates for possible future listing as threatened or endangered under the federal ESA (59 FR 219: 58982-59028, November 15, 1994);

- Animals that meet the definitions of rare or endangered under CEQA (State CEQA Guidelines, Section 15380);

- Animals listed or proposed for listed by the State of California as threatened or endangered under the California ESA (14 CCR 670.5);

- Animal species of Special Concern to DFG (Remsen 1978 [birds] and Williams 1986 [mammals]); and

- Animals fully protected in California (Cal. Fish and Game Code, Section 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]).

The proposed Wildcat-San Pablo Creek Bay Trail would be routed near or adjacent to three inter-connected sensitive habitat areas containing special status species, including: 1) an approximately 1,400-foot trail segment starting at the Richmond Parkway and running west along the south levee of San Pablo Creek, 2) turning south, an approximately 4,800-foot trail segment immediately adjacent to Wildcat Marsh, and 3) an approximately 100-foot segment connecting to the existing Wildcat Creek trail that runs along the outer or northern Wildcat Creek levee system. (See Figure 5).

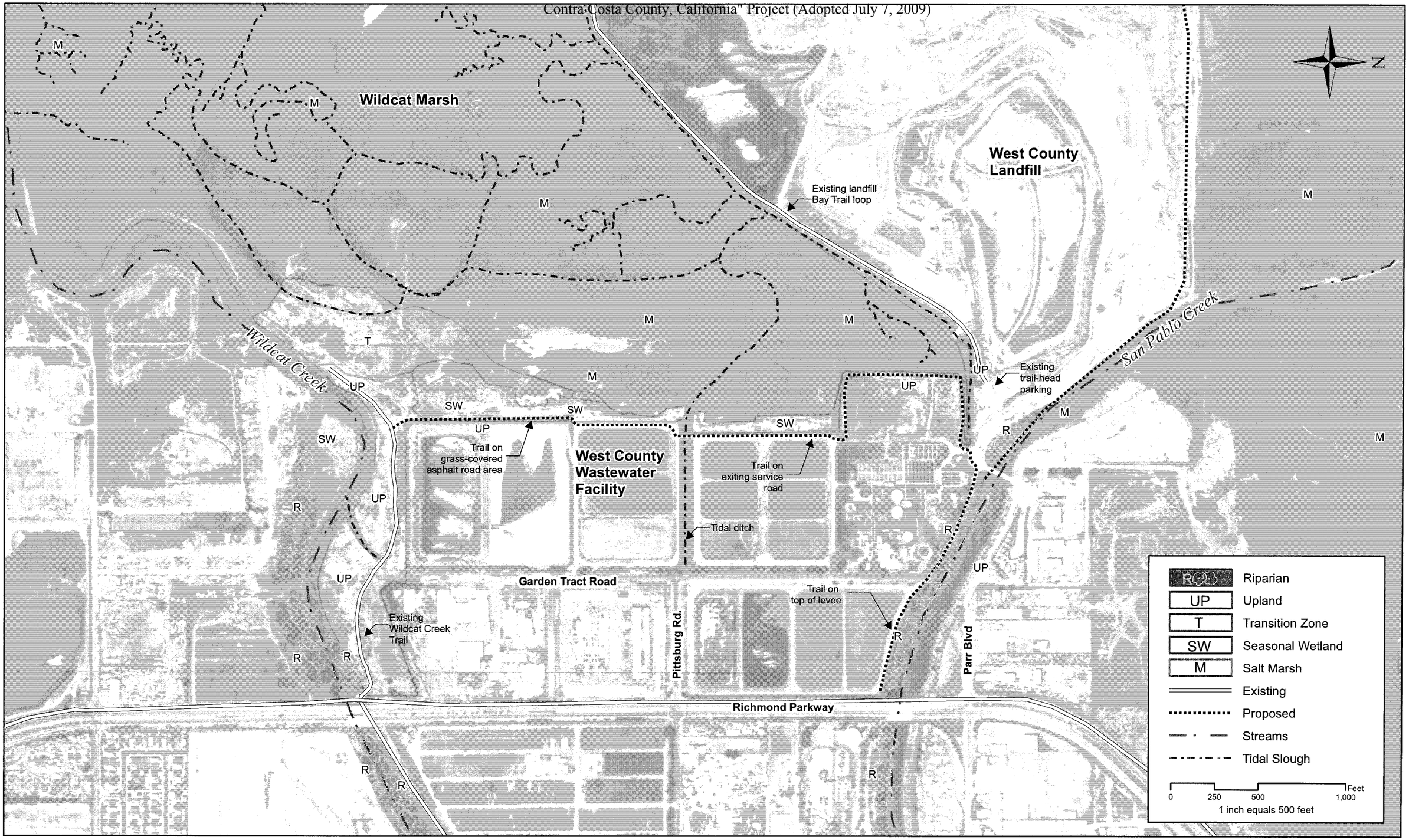
In this area, both Wildcat and San Pablo Creeks have been leveed and significantly altered and re-engineered as part of Contra Costa County and U.S. Army Corps of Engineers flood control projects completed in the mid to late 1980s. However, both of these near fully tidal streams have been re-planted as part of their original flood control projects and their upper banks have now become fairly well established with planted and volunteer native shrub and tree species, including coyote brush, several willows species, cottonwoods, sycamores, and coast live oaks. The widened bottoms of these tidal stream channels support alkali bulrush and cordgrass along the active channel or slough portions, while dense pickleweed plant communities are dominant on the flat channel bottoms

adjacent to the slough cuts, with salt grass and gum plant occurring on slightly higher areas of the channel bottom environment. Weedy exotics, including fennel, pepper weed, hemlock, and mustard, and dense stands of iceplant cover the upper bank and bank top and outer slope of the San Pablo Creek levee (sometimes interspersed with the shrubs and trees), while the outer Wildcat Creek levee is primarily grass lined. The outer Wildcat Creek levee is separated from the active, willow-lined channel by a 100- to 300-foot grassy upland and seasonal wetland zone.

Both Wildcat and San Pablo Creeks support small runs of the federally threatened steelhead (*Oncorhynnchus mykiss*) and possibly other protected anadromous fish species, and individual species could potentially move up and down both streams. Wildcat and San Pablo Creeks also provide suitable habitat for western pond turtle (*Clemmys marmorata*), a California species of Special Concern, although the most suitable habitat is well upstream in more freshwater environments. Although California Special Concern species have no formal legal protection under state and federal Endangered Species Acts, their nest sites and communal roost areas are generally recognized as significant biotic features by the California Department of Fish and Game, and protection from disturbance of individual animals, as well as known habitat or nest/roost areas, is an issue that is typically addressed as part of CEQA review, and is a condition of issuance of any permit by the department.

The 300-acre Wildcat Marsh is perhaps the most significant of the three above-described inter-connected habitats, and is fully tidal (not diked) in this area, with much of the original, complex tidal drainage system still largely intact. As noted above, the proposed trail system would run along the extreme eastern boundary of Wildcat Marsh, about 4,000 feet from its connection with upper Castro Cove, which forms an arm or embayment of lower San Pablo Bay in this area (see Figure 1). Portions of Wildcat Marsh in the vicinity of Castro Cove have been restored by Chevron, Inc.

The majority of the Wildcat Marsh is dominated by pickleweed, with some saltgrass that typically occurs in a patch mosaic. Other plant species with a lesser distribution, and most often occurring along slightly higher edges, ecotones or transition areas to uplands include *Frankenia* or alkali heath, *Jaumea*, sea lavender, gum plant, and coyote brush. Cordgrass and some alkali bulrush occur along the sloughs within the salt marsh. Small to large mud flats and barren areas also occur interspersed in the pickleweed plant community; these areas are often slightly lower depressions which pond water for prolonged periods, and can develop salt crusts. A transition zone where pickleweed salt marsh gives way to seasonal wetlands, and then the fill slopes of the West County Wastewater District (WCWD) plant site western perimeter service road occurs along most of the upper edge of Wildcat Marsh.



Date: 01/17/2007
Drawn: W.S.
Approved: JP
Proj. No.: 260138

QUESTA Environmental & Water Resources

East Bay Regional Park District

Richmond California
Wildcat Marsh Habitat Zones

Figure 5

A tidally influenced ditch runs east-west through the approximate center of the WCWD plant site, and would be crossed by the proposed trail at an existing, culverted crossing. The ditch is densely covered by iceplant within the plant site. As part of the proposed project, the existing twin, rusting corrugated metal pipe (cmp) culverts would be replaced with slightly larger re-enforced concrete pipe (rcp) culverts, providing a widened surface for shared maintenance vehicles and trail users.

Some historic fill, including concrete rubble and wood debris, has been placed along the extreme eastern edge of the marsh (immediately adjacent to the WCWD plant area) elevating these areas slightly above the tidal prism. The fill area primarily occurs in a zone approximately 40 to 100 feet or more wide, west of the WCWD outer service road adjacent to the southwest side of the plant site. The fill has been placed unevenly, with several low areas that constitute seasonal wetlands, interspersed with weedy uplands dominated by such non-native grasses as wild rye, wild oats, dock, and other annual grasses and weedy species. Patches of pickleweed, saltgrass, and *Frankenia* also occur in this area, attesting to the still salty environment, and periodic inundation at extreme tides (above the 5-year tide height).

Surveys were performed to identify the potential presence of several special status species (McGinnis, Sam, August 1, 2008, *Biological Assessment for the San Francisco Bay Trail: Wildcat Creek to San Pablo Creek Segment*), including the California clapper rail (*Rallus longirostris absoletus*), salt marsh harvest mouse (*Reithrodontomys raviventris*), white-tailed kite (*Elanus leucurns*), and Western burrowing owl (*Speotyto cunicularia hypugea*). The Biological Assessment concluded that trail construction and future daily use would not adversely affect the clapper rail, the salt marsh harvest mouse, or the white-tailed kite. Nonetheless, the project includes several environmental commitments designed to avoid impacts to these sensitive species and their habitats. The Biological Assessment also determined that trail construction work could potentially impact the Western burrowing owl, for which mitigation has been developed. These determinations are discussed in detail in the following sections under *Sensitive and Special Status Small Mammals* and *Sensitive and Special Status Birds*, and in the 2008 Biological Assessment.

Several other special status species that occur only in salt marshes are presumed to occur in Wildcat Marsh, and along the lower portions of Wildcat and San Pablo Creeks in the vicinity of the project area. Among these are the state-threatened black rail (*Laterallus jamaicensis coturniculus*), and several species of Special Concern, including the salt marsh wandering or vagrant shrew (*Sorex vagrans holicoetes*) and San Pablo vole (*Microtus californicus san pabloenis*). Other sensitive bird species which could visit the project area include San Pablo song sparrow (*Melospiza melodia samuelis*), which lives in the tidal sloughs, while salt marsh yellow throats (*Geothlypos trichas sinuosa*) may inhabit dense willow areas that grow along the lower creek channels in the transition between fresh creek water and tidal bay water. Potential project impact to these species are discussed in detail in the following sections under *Sensitive and Special Status Small Mammals* and *Sensitive and Special Status Birds*.

In addition to the wildlife species mentioned above, a number of rare plants associated with salt marsh could potentially occur in Wildcat Marsh, near the proposed trail area. These include the state-rare soft-haired bird's beak (*Cordylanthus mollis spp. mollis*), mason's lilaeopsis (*lilaeopsis masonii*), and San Francisco gumplant *(Grindelia hirsutula var. martima*). However, habitat suitable for these plant species does not occur in the immediate vicinity of any trail construction activity, and no specimens of these plants have been observed by project biologists in the trail vicinity during several site visits, including visits during the late summer flowering period. Tables 2 and 3 provide a summary of the special status plant and animal species that are known or expected to occur, or could potentially occur in the project study area.

Potential impacts on sensitive plant and animal species are discussed more fully in the next section, including recommended mitigation measures.

Special Status Species

A list of special status plants and animals with potential to occur at or near the study area (Tables 2 and 3) was obtained from the California Natural Diversity Data Base (CNDDB). A brief description of the listing status, distribution, and habitat association of each special-status animal species known, expected or with the potential to occur in the project area is provided in Table 3. As indicated in the table, 17 special status wildlife species could occur in the immediate project vicinity.

STANDARDS OF SIGNIFICANCE

Impacts to biological resources are considered to be significant if they substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife species to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or substantially reduce the number or restrict the range of an endangered, rare or threatened species (a special status species or sensitive species or community). CEQA also requires consideration of the project's compliance with local, state or federal policies or plans for the protection of sensitive species or habitat, including riparian areas, seasonal wetlands, and freshwater and saltwater marsh.

Table 2: Special-Status Plant Species with Potential to Occur Adjacent to WCWD Site

Common Name Scientific Name	Listing Status State/ Federal/ CNPS[2]	Habitat	Distribution	Flowering Period
Soft bird's beak *Cordylanthus mollis* ssp. *Mollis*	R/--/1B	Coastal salt marshes	Known from fewer than 10 occurrences in Contra Costa, Napa, and Solano Counties; no longer occurs in Marin and Sonoma Counties	July-September
Mason's lilaeopsis *lilaeopsis masonii*	R/--/1B.1	Coastal salt marshes	Greater San Francisco Bay Area	April-October
San Francisco gumplant *Grindelia hirsutula var. martima*	--/--/1B.2	Coastal salt marshes	Greater San Francisco Bay Area	August-September

Table 3:
Special-Status Wildlife Species with Potential to Occur Adjacent to WCWD Site

Species	Status Federal/ State[3]	California Distribution	Habitats	Potential for Occurrence
Salt marsh harvest mouse *Reithrodontomys raviventris raviventris*	E/E	San Francisco, San Pablo, and Suisun Bays; the Delta.	Salt marshes with a dense plant cover of pickleweed and fat hen; adjacent to an upland site.	High. Presumed to occur in Wildcat Marsh
San Pablo vole	--/SSC	San Pablo Bay	Drainage Channels	High. Presumed to

[2] E = California State endangered
R = listed as rare under the California Native Plant Protection Act. This category is no longer used for newly listed plants, but some plants previously listed as rare retain this designation.
C = species for which USFWS has on file sufficient information on biological vulnerability and threat(s) to support proposals to list them as endangered or threatened.
1B = List 1B species; rare, threatened, or endangered in California and elsewhere.
Source: CDNB database search

[3] E – Endangered under the Federal or State Endangered Species Act
T – Threatened under the Federal or State Endangered Species Act
FP – Fully Protected under the State Endangered Species Act
C – Candidate for listing status
D – Federal delisted species
SC – Federal species of concern
SLC – Federal species of local concern
SSC – California species of Special Concern
Source: California Natural Diversity Database, 2008. *Sensitive Species Search of the San Quentin and Richmond Quadrangles*. Search performed February, 2008.

Species	Status Federal/ State[3]	California Distribution	Habitats	Potential for Occurrence
Microtus californicus sanpabloensis			along San Pablo and Wildcat Creeks	occur in Wildcat Marsh
California clapper rail *Rallus longirostris obsoletus*	E/E	Marshes around the San Francisco Bay and east through the Delta to Suisun Marsh	Saltwater marshes/tidal sloughs; pickleweed;	High. Presumed to occur in Wildcat Marsh
California black rail *Laterallus jamaicensis coturniculus*	--/T	Permanent resident, San Francisco Bay & eastward	Tidal salt marshes, pickleweed, brackish or freshwater marshes at low elevations.	Low to moderate. Low densities; few observed Presumed to occur in Wildcat Marsh
Northern harrier *Circus cyaneus*	--/SSC	Throughout lowland CA; has been recorded in fall at high elevations	Grasslands, meadows, marshes, and seasonal and agricultural wetlands providing tall cover.	Moderate
American white Pelican *Pelecanus erythrorhynchos*	--/SSC	Historically, nested at large lakes throughout CA; colonies occur inland from San Francisco Bay Delta Region	Freshwater lakes with islands for breeding, river sloughs, freshwater marshes, salt ponds and costal bays for the rest of the year.	Moderate to High in water treatment basins
Salt marsh common yellowthroat *Geothlypos trichas sinuosa*	SC/SSC	Found only in the San Francisco Bay Area,	Freshwater marshes/saltwater or brackish marshes, require tall grasses, tules, and willow thickets for nesting and cover	Moderate to High
Salt marsh vagrant (wandering) shrew *Sorex vagrans holicoetes*	--/SSC	Restricted to southern and northwestern San Francisco Bay.	Mid elevation salt marsh habitats with dense growths of pickleweed; requires driftwood and other objects for nesting cover.	High
Double-crested cormorant *Phalacroscorax auritus*	--/SSC	Permanent resident in islands off San Francisco and breeds in San Francisco Bay Area	Inland ponds and lakes; needs open water for foraging, and nests in riparian forests or on protected islands usually in snags.	Low
Western pond turtle *Clemmys marmorata*	SSC/CSC	Northern California	Ponds, streams, ditches	Low in project reach, moderate to high upstream
San Pablo song sparrow (*Melospiza melodia samuelis*)	--/SSC	San Pablo Bay	Tidal sloughs, salt marsh	High
Tricolored blackbird *Agelaius tricolor*	FSC/SSC	Northern California	Freshwater marshes and riparian scrub	Low
Western burrowing	FSC/SSC	California	Grasslands with	Observed in 2006

Species	Status Federal/ State[3]	California Distribution	Habitats	Potential for Occurrence
owl *Speotyto cunicularia hypugea*			existing mammal burrows	on WCWD wastewater basin berm
White-tailed kite *Elanus leucurns*	FP	Lowland areas west of Sierra Nevada from Sacramento to San Diego.	Riparian areas and marshlands near open grasslands for foraging	Moderate to High
Short eared owl *Asio flammeus*	SSC	California	Open grasslands	Low

IMPACTS AND MITIGATION

Although located adjacent to existing wetlands and sensitive species habitat, the proposed Wildcat-San Pablo Creek trail system would primarily be located on existing, frequently used service and plant maintenance roads. Actual trail construction would not be permitted to disturb existing wetlands/sensitive habitat. Therefore no direct significant physical impacts to biological resources are expected to occur. The site is currently fenced to prevent intrusion into the marsh, and would remain so for the majority of the trail alignment. The initial portion of the trail is proposed for the somewhat sparsely wooded bank top along San Pablo Creek, but San Pablo Creek in this area is in a highly industrialized setting, with the WCWD plant operations immediately adjacent to the south, and Parr Boulevard, the entrance to West Contra Costa Sanitary Landfill, and other industrial land-uses located immediately to the north. Some minor tree thinning would be required for trail construction here.

Some potential indirect or non-physical impacts to sensitive species and habitat could occur if trail users and their animals were permitted (or not prevented) from entering adjacent sensitive habitat areas. In addition, increased use of the existing service and maintenance roads already used by WCWD personnel and vehicles could conceivably disturb certain shy and secretive animals and bird species that do not tolerate the presence of humans, especially during breeding and nesting periods. The project includes a comprehensive fencing and signage plan developed in consultation with EBRPD staff and the project biological consultant, to minimize these indirect impacts.

The proposed trail route is primarily located on: (1) the largely iceplant-covered levee-top on the south side of San Pablo Creek and west of Richmond Parkway (owned by the Contra Costa Flood Control District), (2) the paved, landscaped or otherwise disturbed/developed grounds within the WCWD plant site, and (3) the existing service access road immediately west of the western fence line near Wildcat Marsh. In addition, two pre-engineered 20-foot-long eight-foot-wide timber-frame bridges would be installed. The first, located in Segment 3, would cross the existing concrete-block lined v-ditch and terminate at the existing WCCSL parking lot and staging area. The second would be installed at Segment 9 over a small seasonal swale that connects the proposed trail at the south with the existing Wildcat Creek trail. Bridge abutments would be

located on uplands, with no disturbance of the slough or adjacent lower banks (abutments would be located well above mean higher high water or ordinary high water).

As noted previously, WCWD lands extend 50 to 100 feet beyond the western fence line of the property adjacent to Wildcat Marsh and into the upper area of Wildcat Marsh. This is primarily the high or transition zone of the marsh, including some largely grassy upland areas and areas of seasonal wetlands (see Figure 5). Much of the immediately adjacent area consists of a mixture of ryegrass, wild oat, and dock, with scattered *Frankenia* and saltgrass, and widely scattered clumps of pickleweed. Although areas of predominantly pickleweed occur adjacent to the northern end of this western perimeter road, the pickleweed dominance increases westward to the lower portions of the salt marsh proper. Much of the land beyond the fence line has been delineated as tidal marsh and seasonal wetlands by a formal wetlands delineation performed winter 2002/2003, and confirmed by the U.S. Army Corps of Engineers in June 2003.[4]

The proposed trail alignment is located on existing service roads east of the marsh area, separated by an existing fence, and avoids encroaching upon any wetlands. Physical disturbance to wetlands would be minimal and limited to the replacement of a rusting culvert at Segment 6, for which the EBRPD has a Memorandum of Understanding with the DFG, a Regional General Permit with the ACOE and a Water Certification from the RWQCB for discretionary replacement of existing culverts. Replacement of this culvert would require minimal fill and removal of an estimated 20 to 30 cubic yards of trench spoils. Some grubbing of vegetation (mostly non-native iceplant and grasses) would occur incidental to these activities. Apart from these activities, no physical disturbance of or placement of fill into any wetlands, as confirmed by the ACOE, is proposed to occur.

An abandoned asphalt-paved access road parallels the western fence line of the WCWD property on the southern boundary (southern 1/3) of the plant site. This existing road constitutes Segment 8 of the proposed project (see 1.1 Project Description, Segment 8, above). The access road has not been used regularly for many years and now has been partially covered with ryegrass, scattered alkali heath and scattered pickleweed. The plants have grown on two to four inches of dirt and drift that has accumulated on top of the old asphalt pavement section. The pavement is in poor condition with some of the plant roots extending through holes and cracks. The road would be cleared of silt/drift and existing vegetation and reconstructed as a stabilized decomposed granite (DG) trail as a part of the project. The ACOE confirmed that this old roadway area does not qualify as jurisdictional wetlands, due to the underlying asphalt concrete.

[4] Questa Engineering Corp., 2003. *East Bay Regional Park District, proposed San Pablo Creek to Wild Cat Creek Bay Trail Loop, Richmond, Contra Costa County, California, Delineation of Potential U. S. Army Corps of Engineers Jurisdictional Areas.* Field verified by the Army Corps of Engineers May 29, 2003.

ENVIRONMENTAL COMMITMENTS

The proposed project includes a set of comprehensive environmental commitments to reduce project impacts, described in detail within the project description. The following procedures, policies, and regulation have been designed to prevent and/or minimize impacts to biological resources. A complete list of all environmental commitments is included in 1.2 Environmental Commitments, above.

Sensitive Species Avoidance Procedures

Rare Plant Survey. A pre-construction rare plant survey for all sensitive plants shown in Table 2 will occur after the exact trail alignment has been flagged, but prior to any trail construction. The survey will be conducted by a qualified botanist familiar with the plants in question, and during the appropriate flowering periods for these plants. If encountered, any rare plants found within 50 feet of the proposed trail will be flagged and fenced off to avoid disturbance.

Survey for Migratory Bird Nests. All trail construction along San Pablo Creek, including all vegetation clearing and the limbing of trees, will occur outside of the migratory bird nesting season, between September 1 and January 31. If vegetation management and removal must occur during the bird nesting period, such activities will be preceded by a survey for bird nests by a qualified biologist. If active bird nests are found, all construction activities, including vegetation management, will occur only after the nests are no longer active.

Protection of California Clapper Rail, White-Tailed Kite, California Black Rail, San Pablo Song Sparrow, and Salt Marsh Yellow Throat During Construction Activities. To protect more distant populations of California clapper rail, white-tailed kite, California black rail, San Pablo song sparrow, and salt marsh yellow throat, all trail project construction work will occur between September 1 and January 31, to avoid their breeding seasons. Work outside this window may occur following consultation with and approval from the jurisdictional agencies. A qualified biologist will train the construction crew on the appearance and life history of these bird species, should they unexpectedly occur near the trail construction work areas. A qualified biological monitor will conduct daily monitoring of the project site during all work activities occurring near the edge of the adjacent salt marsh in Segments 6, 7, 8, and 9.

If a California clapper rail or California black rail is observed near the project work site, work will stop and the biological monitor will notify EBRPD management. If the bird leaves the vicinity of the work area of its own volition, then work can proceed after approval by the biologist. If the bird does not leave the project vicinity, no work will occur until the DFG and/or U.S. Fish and Wildlife Service (USFWS) has been notified and additional avoidance measures, if any, are discussed with DFG and implemented.

Protection of Sensitive Small Mammal Species (salt marsh harvest mouse - SMHM, San Pablo vole - SPV, salt marsh vagrant shrew - SMVS) During Construction.

During trail construction work in Segments 6, 7, 8, and 9 the construction area will be completely fenced with temporary small mammal exclusion fencing (to be removed following project construction). This will form an exclusion barrier between salt marsh and adjacent seasonal wetlands and upland areas, and the trail construction corridor. The final location and design of the exclusion fencing will be approved by the California Department of Fish and Game. A qualified biological monitor will monitor for SMHM and other small mammal avoidance immediately prior to mobilization, and during installation of the temporary exclusion fencing, its removal, and replacement with the permanent, approved wildlife fence.

The qualified biological monitor will conduct a training session with the construction contractor and all crewmembers to acquaint them with the appearance and life history of all sensitive small mammals that could potentially visit the project work area. The qualified biological monitor will conduct daily monitoring of all construction activity during construction of trail Segments 5, 6, 7, 8, and 9. The qualified biological monitor will also ensure that all construction personnel, equipment, and materials are kept within the approved limits of construction, within fenced exclosure areas, and do not encroach into any sensitive species habitat.

Should a sensitive small mammal species be observed within the work areas, and not readily leave by its own volition, all work will stop until the qualified biological monitor contacts the USFWS and the DFG, and additional avoidance measures, if any, are discussed and implemented.

Selective Vegetation Management

Selective Vegetation Removal. Vegetation removal will be limited to trees, shrubs, and non-native exotic species that directly encroach upon the proposed trail alignment. Vegetation removal will be limited to plants growing above the mean high water mark, with the exception of grubbing incidental to culvert replacement at Segment 6 (mostly non-native iceplant and grasses) for which the applicant has an existing memorandum of understanding with the DFG.

Thinning and Limbing of Native Trees. All woody vegetation clearing along San Pablo Creek, including any needed limbing and branch thinning of willows and cottonwoods, will be conducted under the direction of a qualified biological monitor. In general, the thinning will be limited to that needed to construct a trail with appropriate horizontal and overhead passage (10 feet minimum). This will require construction of the trail in the immediate vicinity of large native trees and shrubs to be completed using small mechanized equipment and/or hand labor.

Trail Use Policies and Fencing Design

Trail Fencing Plan. The fencing plan has been developed by the project engineer in consultation with EBRPD staff and the project biological consultant. The design calls for a 6 strand, barbless wire fence, with wire at 4 inches, 8 inches, 12 inches, 20 inches, 34

inches and 48 inches above grade. This design should help keep any dogs and people along the trail out of the adjacent sensitive wetlands while allowing the movement of small mammals (such as SMHM, vagrant, shrew, vole) within their existing natural range. EBRPD staff will consult with representatives from the DFG to approve the trail fence design.

Trail Use Regulations. Preliminary trail use standards developed by EBRPD call for trail closure between 4:00 PM and 9:00 AM. Other proposed trail standards will require: 1) the development and implementation of an interpretive program (interpretive panels) explaining the biological resources and the sensitivity of Wildcat Marsh, and 2) the posting of permanent signs at the three trail entrance points explaining trail standards (trail closure hours, no dogs, stay on trails, etc.). In addition, trail signage stating "No Trail Access, Sensitive Wildlife Habitat, Visitor Access Prohibited," will be posted at a minimum of 300-foot intervals.

EBRPD staff will consult with representatives from WCWD, WCCSL, and the DFG to finalize trail use regulations that include trail use hours, policies on allowance of dogs, interpretive and other educational signage, and other important trail use regulations. EBRPD will be responsible for implementing the agreed upon trail use regulations.

Regulatory Agency Compliance

Local Agency Compliance. The applicant will submit an application package to the San Francisco Bay RWQCB for a National Pollution Discharge Elimination System (NPDES) General Permit for Construction Activities, and will obtain a General Permit before commencing construction. The application package will include development and implementation of a Stormwater Pollution Prevention Plan (SWPPP), submittal of a Notice of Intent (NOI), and development/implementation of an Erosion Control Plan.

The applicant will obtain all necessary permits and/or authorizations required by the San Francisco Bay Conservation and Development Commission, the DFG, and the RWQCB. It is anticipated that no permits will be required beyond those needed for replacement of the culvert, which is covered by the EBRPD's existing Memorandum of Understanding and CDFG Regional General Permit for discretionary replacement of existing culverts.

The applicant will obtain all necessary permits for tree alteration and removal from the Contra Costa County Flood Control and Water Conservation District and the City of Richmond.

Federal Agency Compliance. The applicant will confirm permit requirements and authorizations under Sections 401 and 404 of the Clean Water Act with the ACOE and the San Francisco Bay RWQCB, submit permit applications as appropriate, and obtain these authorizations before commencing construction. It is anticipated that project activities requiring RWQCB and ACOE approval will be limited to replacement of the existing culvert, which is already covered by the East Bay Regional Park District's

existing Memorandum of Understanding and DFG Regional General Permit for discretionary replacement of existing culverts.

The applicant will re-confirm that the ACOE will not take jurisdiction over the old asphalt roadbed that will be reconstructed as a stabilized decomposed granite trail, and that the two proposed clear span crossings, with abutments above ordinary high water/mean high tide can be constructed without the necessity for issuance of a ACOE permit, provided that there will be no incidental or direct fill placement into regulatory waters/wetlands.

Construction Scheduling. Construction activities will be timed to avoid impacts to biological and water resources. Construction activities involving significant soil disturbance and earthwork will take place during the dry season, between June 15 and October 31, or as otherwise determined by permitting agencies, and in compliance with Section 401 of the Federal Clean Water Act. Construction outside of this window may be permitted following consultation with and approval from the permitting agencies.

a, b) Potential Impacts on Sensitive Plant Species and Plant Communities

No endangered, threatened, or special status plant species are known to be present within the trail alignment or areas of proposed construction disturbance. However, construction access is very tight in several areas near habitat that could potentially support rare plant populations. The project includes a preconstruction rare plant survey to avoid impacts to sensitive plant species and plant communities.

No direct fill or disturbance of seasonal wetlands or salt marsh habitat is proposed as part of the project, except for a small/local disturbance of the largely iceplant-covered tidal ditch for culvert replacement. The proposed northern 20-foot-long, eight-foot-wide wood-framed pedestrian bridge would clear span a small pickleweed-lined drainage ditch, with the bridge abutments placed above the zone of wetlands and waters of the U.S. A second 20-foot-long, eight-foot-wide wooden footbridge would clear span a grassy season swale/wetland area on the south side.

Vegetation removal as a part of the project would be selective and limited to areas where existing woody vegetation is encroaching on the proposed trail. All woody vegetation clearing along San Pablo Creek, including any needed limbing and branch thinning of willows and cottonwoods, would be conducted under the direction of a qualified biological monitor. In general, the thinning would be limited to that needed to construct a trail with appropriate horizontal and overhead passage (10 feet minimum). This would require construction of the trail in the immediate vicinity of large native trees and shrubs to be completed using small mechanized equipment and/or hand labor. This includes limbing of lower and overhanging branches of Flood Control District planted cottonwoods and willows along Segments 1 and 2 (along San Pablo Creek), removal/trimming of select coyote brush along portions of Segment 3, the possible removal of a large Eucalyptus tree in the vicinity of the proposed northern pedestrian

bridge, and removal of the vegetation growing on the old asphalt road surface along Segment 8 as part of trail surface reconstruction.

With proper construction controls, none of these actions would directly affect salt marsh and would therefore not directly impact any sensitive plant species or sensitive plant communities, other than the planted riparian areas near the top of bank along San Pablo Creek. Some minor disturbance to the bank slopes would occur associated with the maintenance replacement of the exiting drainage culvert in the tidal slough in Segment 7. Approximately 400 square feet of vegetated wetland slope would be disturbed; the tidal drainage ditch in this area is densely covered by iceplant. The disturbed ground in this area would be revegetated with local transplants of pickleweed and salt grass as part of the project.

Summary of Impacts on Plants

This local disturbance for culvert replacement constitutes a ***less than significant*** impact, and no additional mitigation measures beyond the culvert site revegetation and mitigation measures are warranted. The project incorporates environmental commitments, including a preconstruction rare plant survey to avoid impacts to presently unknown populations of rare plants. Furthermore, a biological monitor would be present to direct the removal or thinning of any willows and cottonwoods along San Pablo Creek, further ensuring that riparian plant communities are not adversely affected.

As a result of these environmental commitments, the project would have a ***less than significant impact*** on sensitive plant species and communities.

Sensitive Wildlife and Their Habitat

As discussed in the preceding Environmental Setting section, several special status wildlife and fish species have been identified as expected and presumed to occur in the adjacent salt marsh, and some of these species could potentially on occasion visit the upland, seasonal wetlands and transition zone marsh habitat adjacent to the proposed trail. A Biological Assessment was prepared in August 2008 (McGinnis, 2008), including species-specific surveys and determinations for the California clapper rail (*Rallus longiostris obsoletus*), salt marsh harvest mouse (*Reithrodontomy raviventris halicoetes*), Western burrowing owl (*Speotyto cunicularia hypugea*), and white-tailed kite (*Elanus leucurns*). These species were identified for further identification following completion of the 2002 Special Status Species Reconnaissance Investigation[5], which analyzed potential project impacts to those species determined to have a moderate to high potential of occurrence. Additional species analyzed in the 2002 report include:

[5] McGinnis, Samuel, *The Status of Several Special Status Bird and Mammal Species in an Upland Tidal Marsh Area Immediately Adjacent to the Proposed Segment of the San Francisco Bay Trail from Wildcat Creek to San Pablo Creek, Contra Costa County, CA,* 2002.

- Salt marsh wandering shrew (*Sorex vagrans halicoetes*)
- San Pablo vole (*Microtis californicus sanpabloensis*)
- California black rail (*Laterallus jamaicensis coturniculus*)
- San Pablo song sparrow (*Melospiza melodia samuelis*)
- Salt marsh yellow throat (*Geothylpic trichas sinuosa*)
- Steel head (*Oncorhynchus mykiss irideus*)
- Western pond turtle (*Clemmys marmorata*)

Sensitive and Special Status Small Mammals

Salt Marsh Harvest Mouse. The Salt Marsh Harvest Mouse (SMHM) has been reported as occurring in the tidal marsh near the project site, and could inhabit similar non-tidal areas along the south portion of the proposed trail. There exists a minute potential for the endangered rodent to be injured or killed if human trail use coincides with the period when the SMHM is abroad and active. The Biological Survey determined that this scenario is extremely unlikely, due to the fact that the SMHM is nocturnal, and trail use would be restricted to daylight hours. Furthermore, there is little if any habitat attraction for the SMHM on or beyond the proposed trail pathway.

The southern portion of the proposed trail segment would overlay an old asphalt road that contains no rodent burrows and is being colonized by annual grasses and iceplant, and the completed trail would not contain vegetative cover of any sort. The northern portion of the proposed trail segment contains a dense stand of introduced iceplant that separates the marsh pickleweed stands from the proposed trail segment. There are no records of the SMHM occupying iceplant stands, and no individuals or their signs were identified at the project site. Given the separation of tidal marsh and future trail by iceplant in the north trail segment, and time separation of SMHM activity and human trail use throughout the project area, the Biological Survey determined that there would be no adverse effect to the SMHM resulting from trail use associated with the proposed project.

Salt Marsh Wandering Shrew. The salt marsh wandering shrew (SMWS) frequents tidal marshes that offer dense plant cover, abundant small invertebrate food, and continuous ground moisture but no total ground flooding. The segment of the non-tidal Wildcat Marsh adjacent to the proposed trail has soil beneath the dense pickleweed cover that is usually moist but rarely flooded. The Biological Survey included a visual search of clear shallow water in the bottom of nearly drained tidal channel, where small aquatic marine invertebrates would remain throughout the tidal regime. No crabs, isopods, polychaete worms, small snails, or other invertebrate fauna were observed.

It is unknown whether the SMWS may frequent the area adjacent to the proposed trail. The possibility exists that one or more SMWS could wander onto the trail pathway. All shrew species are active 24 hours a day and often cover a relatively large foraging area for their small body size. Both of these behavioral features could result in individuals occasionally crossing the trail (Segments 6, 7, 8, and 9). Most of these trail segments

would share the existing WCWD western perimeter service road, so these species are somewhat acclimated to these risk conditions.

San Pablo Vole. The San Pablo vole (SPV) is one of four subspecies of the California vole that has several unique body features, coupled with a restricted marsh-edge distribution that has resulted in its designation as a California Species of Special Concern. Like all voles, it requires a dense dead grass mat through which it constructs an extensive runway system that is then used for movement to grazing areas. The annual grassland areas of the seasonal wetlands and transition zone to the marshland adjacent to the WCWD property displays numerous runway systems which are most likely those of the SPV.

While all voles rarely stray from the protective confines of their runway systems, every several years they increase in number, and individuals can move outside of the runway systems. Therefore, it is possible that during such years daytime-active voles could wander onto the adjacent trail pathway where they could be injured or killed by hikers, bikers, or dogs. As with other small mammals, a more serious potential impact would occur if trail users or their animals were allowed unrestricted entry to the adjacent Wildcat Marsh, including areas of pickleweed, and transition zone and seasonal wetlands.

Summary for Salt Marsh Harvest Mouse, Salt Marsh Wandering Shrew and San Pablo Vole. The Biological Assessment (McGinnis, 2008) determined that the project site lacks several habitat variables required by both the SMHM and SMWS shrew. This suggests an extremely low likelihood of their presence at the project site. However, there exists a very small potential for these species and the SPV to traverse the proposed trail, during which time they could be injured or killed by hikers, bikers or dogs. The proposed use as a trail would raise the potential for such encounters above the existing baseline threat posed by current wastewater plant activities in the vicinity (service road use for period inspection patrol or scheduled maintenance operations). Temporary construction related degradation of sensitive species habitat could potentially occur.

The project incorporates environmental commitments to avoid impacts to these sensitive species, including permanent impacts associated with trail use and temporary construction related impacts. Environmental commitments include the installation of a CDFG approved temporary small mammal exclusion fencing, presence of a qualified biological monitor throughout construction in sensitive areas, and sensitive species education of construction contractors and crewmembers. The fencing system has been designed to keep unauthorized dogs from entering sensitive areas, while not precluding the passage of small mammals along the trail alignment. Posted trail use regulations will prohibit use outside of daylight hours, and will require domestic animals to be leashed. Extensive signage will be installed to educate patrons on sensitive habitats, and communicate regulations. The project will proceed according to the SWPPP, which includes best management practices and an erosion control plan designed to minimize construction related impacts. These environmental commitments (discussed in detail in the preceding section and within the Project Description) would ensure that the project has ***less than significant*** impacts on candidate, sensitive, or special status species.

Sensitive and Special Status Birds

California Clapper Rail. The clapper rail is normally associated with dense stands of pickleweed and cordgrass within tidal marsh complexes. This species often forages in tidal channels and primary food items include marine crabs, isopods, polychete worms, etc. These prey species thrive in the small channels because of the periodic marine environment which the tidal flows produce. No tidal channels with their rich invertebrate populations occur within the seasonal wetlands and transition zone plant communities of Wildcat Marsh adjacent to the proposed trail route (see Figure 5), with the exception of the southwest corner, where several drainage channels are relatively close to the proposed trail. However, most well-defined densely vegetated tidal channels are located more than 300 to 400 feet away from the proposed trail route. The northwest corner is highly impacted by adjacent landfill and wastewater treatment plant activities, and an existing loop of the landfill's Bay Trail loop is also included in this area (see Figure 5). In addition, as previously noted, the service roads are used several times a day by plant staff either for periodic inspection patrol or for routine or scheduled maintenance operations. Moreover, at the time of site visits there were signs of intense predator activity, including unusually high amounts of scat, most likely from the introduced Red fox (*Vulpes fulva*) along the old asphalt road, adjacent seasonal wetlands, and the transition zone of the salt marsh. The steady increase of this efficient predator in and around tidal marshes has been shown to accompany a decline of the California clapper rail in such areas.

The 2008 Biological Assessment (McGinnis, 2008) concluded that the clapper rail does not utilize the pickleweed stands of Wildcat Marsh within 2,000 feet of the proposed trail segment, and would not be adversely effected by either trail construction or future daily use (based on negative results of visual and auditory surveys, the absence of key nesting habitat features, invertebrate prey species, and an abundance of major predator signs).

White-Tailed Kite. The White-tailed Kite (WTK) is a feeding specialist that preys almost exclusively on the California Meadow Vole in this area. This is because, like the kite, the vole is active during daylight hours within its grass-covered runways. Occasional breaks in this grass cover permits detection by the WTK, which hunts from an aerial hovering "perch" where vole movement can be seen. The WTK is also not easily deterred by human activity and can occasionally be seen hovering over vole habitat along the shoulders or in the center grass strips of freeways. This raptor also prefers foraging areas which contain an occasional dead tree or one with sparse foliage where it can roost or possibly nest and still obtain a good view of rodent activity in the near area.

The 2008 Biological Assessment (McGinnis, 2008) did not identify any such trees near the proposed trail route between Wildcat and San Pablo Creeks, and no foraging WTKs were observed during the June, 2008 survey period. However, vole runways and burrows were observed in the non-tidal area adjacent to the portion of this trail segment, and it is possible that on a given day one or more WTKs may forage here. However, the Biological Assessment concluded that given this species' tolerance for human presence, it is unlikely that either trail construction work or occasional human trail use would have any significant adverse effect on this species.

California Black Rail. The California black rail is the smallest of all local rail species. This bird prefers thick stands of tall alkali heath (*Frankenia*) and other dense vegetation with an abundance of insects, which are usually associated with higher elevation ground areas within a tidal marsh. The California black rail is perhaps the least observed resident bird species in the Bay Area, primarily because it rarely flies more than a few feet above the ground and remains sequestered within dense vegetation much of the time.

Although scattered alkali heath and associated salt marsh vegetation was observed along several segments, the tall, dense stands of vegetation normally required to be present as hiding habitat for this species are largely lacking adjacent to the trail corridor. Brackish standing water, which promotes good insect numbers, is also absent in this area. Although the California black rail has been reported along the brackish areas near the mouth of the San Pablo Creek, with the absence of its prime habitat features immediately adjacent to the proposed trail route, and given the current periodic use of existing service road by WCWD plant staff, it is unlikely that this species regularly inhabits the project site.

San Pablo Song Sparrow. The San Pablo song sparrow is known to inhabit both Wildcat and San Pablo marshes. It is a State Species of Special Concern associated with upper marsh edges and higher elevation channel banks, especially in areas with more shrubs. Its preferred nesting substrate is gum plant, pickleweed and bulrush. It is the most common of the tidal marsh breeding bird species defending a year-round territory in the marsh from intrusion by other songbirds.

Salt Marsh Yellow Throat. The salt marsh yellow throat is also known to occur in Wildcat and San Pablo marshes. It is a State Species of Special Concern associated with areas of tules and willow scrub. The yellow throat nesting season lasts from early March through late July, at which time they construct nests on or near the ground, or above water. Yellowthroats generally forage low to the ground in dense vegetation, and after nesting season they may forage higher in shrubs or low trees.

Summary for Clapper Rail, White-Tailed Kite, Black Rail, San Pablo Song Sparrow, and Salt Marsh Yellow Throat. Unnecessary encroachment of construction vehicles and construction equipment into adjacent habitat for these species, in addition to noise impacts and other intrusion during construction could adversely affect any California clapper rails, white-tailed kites, black rails, San Pablo song sparrow, or salt marsh yellow throat that venture near the trail construction work areas, especially during their breeding season. However, project construction would occur between September 1 and January 31, to avoid the breeding season (see 1.2 Environmental Commitments, above). Work outside this window would only occur following consultation with and approval from jurisdictional agencies. Construction crews would be trained by a qualified biologist on the appearance and life history of these bird species, in case they unexpectedly occur near the trail construction work areas. A qualified biological monitor would conduct daily monitoring of the project site during all work activities occurring near the edge of the adjacent salt marsh in Segments 6, 7, 8, and 9. If a California clapper rail, California black rail, San Pablo song sparrow, or salt marsh yellow throat is

observed near the project work site, work would stop and the biological monitor would notify EBRPD management and DFG. If the bird leaves the vicinity of the work area of its own volition, then work can proceed after approval by the biologist. If the bird does not leave the project vicinity, no work would be allowed until the DFG has been notified and additional avoidance measures, if any, are discussed with DFG and implemented.

Should visitors stray off the designated trail and into the salt marsh, these species could be affected, especially during the breeding and nesting period. The project includes installation of extensive signage to educate visitors and provide guidelines for appropriate trail use. Implementation of these environmental commitments as part of the project design (detailed in 1.2 Environmental Commitments, above) would ensure that the project results in ***less than significant*** impacts to these special status bird species.

Western Burrowing Owl. Burrowing owls have previously been observed as occupying former ground squirrel holes in some of the embankments and berms of the WCWD wastewater ponds. Although no burrowing owls were subsequently observed during several site visits by project biologists, the possibility exists that individual burrowing owls could re-occupy rodent holes, burrows, or pond embankments in the vicinity of trail construction activities, and either be disturbed, injured, or have their habitat (burrows) destroyed. This represents a ***potentially significant*** impact. Implementation of Mitigation Measure BIO-1 would reduce this impact to a ***less-than-significant*** level.

> ***MITIGATION MEASURE BIO-1: Conduct Pre-construction Surveys for Active Western Burrowing Owl Burrows and Implement the California Department of Fish and Game Guidelines for Western Burrowing Owl Mitigation and Compensate for Impacts, if Necessary.*** *A pre-construction survey to locate active western burrowing owl burrows along the entire proposed trail alignment, wherever burrowing owls may reasonably be expected to occur, will be completed by a qualified biologist. The survey will encompass a 100-foot wide buffer zone around the proposed trail centerline. The survey will be conducted according to the DFG's 1995 Guidelines for Western Burrowing Owl Mitigation. The pre-construction surveys will include a breeding season survey and a wintering season survey. If no western burrowing owls are detected, no further mitigation is required. If active western burrowing owls are detected, EBRPD, in cooperation with WCWD, will implement the following measures:*
>
> - *Occupied burrows will not be disturbed during the breeding season (February 1 to August 31).*
>
> - *Avoidance is the preferred method of addressing potential impacts; no disturbance will typically occur within 160 feet of occupied burrows during the non-breeding season (September 1 to January 31) or within 250 feet during the breeding season (February 1 to August 31).*

- *If owls must be moved away from the project site during the non-breeding season, passive relocation techniques (e.g., installing one-way doors at burrow entrances) will be used instead of trapping, as described in the DFG guidelines. At least one week will be necessary to complete passive relocation and allow owls to acclimate to alternate burrows.*

- *If active western burrowing owl burrows are found and the owls must be relocated, EBRPD will develop a burrowing owl mitigation plan in coordination with DFG.*

Sensitive and Special Status Fish and Reptiles

Steelhead. Steelhead (an anadromous fish species) can be present at certain times of the year in San Pablo Creek in the vicinity of the proposed top-of-bank trail construction activities. Although trail construction and trail disturbance would be limited to the top of bank area, poor construction activities could dislodge sediment and debris and potentially damage aquatic habitat, adversely impacting any fish that happen to be present or are attempting to move through this reach of the creek. Adherence to the project SWPPP, including implementation of the Erosion Control Plan, would minimize the potential of such impacts (as detailed in the Hydrology and Water Quality section and the Project Description).

Western Pond Turtle. Although Western pond turtles typically occur in non-tidally influenced waters of lower San Pablo Creek, it is remotely possible that an individual pond turtle could be present during trail construction activities along the bank tops of the creek, and therefore be injured through poor construction practices, such as construction debris spills, or fuel leaks from equipment. Adherence to the project SWPPP, which includes comprehensive procedures for avoiding pollutant inputs, would minimize the potential for such impacts (as detailed in the Hydrology and Water Quality section and the Project Description).

Summary for Steelhead and Western Pond Turtle. Poor construction oversight and poor construction practices could potentially impact these species. The project design includes environmental commitments designed to reduce or eliminate the potential for such impacts. This includes adherence to the project SWPPP, designed to eliminate inputs of pollutants during and after the construction phase, implementation of the Erosion Control Plan, and presence of a Biological Monitor to provide construction oversight and worker education. Adherence to these environmental commitments as part of the project design would ensure the project has a ***less than significant impact*** on steelhead and the Western pond turtle.

b, c) Impacts on Riparian Habitat and Wetlands

Trail Segments 3 through 9 along the western perimeter of the WCWD plant would be located at the upper edge of Wildcat Marsh, including areas of transition zone and seasonal wetlands. Segments 1 and 2 along the northern perimeter of the WCWD would be located on the existing bank top levee of San Pablo Creek and its associated riparian plant community. The trail alignment also includes crossing improvements of a tidal slough and seasonal wetland swale, with abutments to be placed in uplands areas. A preliminary Wetland Delineation was prepared in January 2003[6], at which time wetlands in the area were mapped and potential project impacts were identified. This delineation was confirmed in the field by representatives of the ACOE on May 29, 2003.

According to the Wetland Delineation, the proposed trail alignment would not encroach directly upon any existing ACOE jurisdictional wetlands. As previously indicated, the trail structures would span the waterway and the abutments would be located on uplands. However, some "shadow fill" (i.e., shading of existing vegetation by project structures including timber-frame bridges) would occur, diminishing the quality and vigor of the plant community under the proposed bridge crossings.

Proposed improvements to the existing tidal slough crossing and culvert replacement at Segment 7 could potentially result in minor/local permanent wetland impacts associated with fill placement to construct the wingwall and support the road. The East Bay Regional Park District has a Memorandum of Understanding and DFG Regional General Permit with the ACOE for discretionary replacement of existing culverts allowing an incremental increase in pipe diameter and a 25 percent increase in overall length. The two existing 25-foot long, 48-inch corrugated metal culvert pipes would be replaced with two new side-by-side, 30-foot long, 54-inch diameter reinforced concrete pipes and new cast-in-place concrete headwalls at both ends of the culvert to strengthen and widen the existing crossing. The tidal ditch in this area is almost completely covered by iceplant. The project plans call for planting all disturbed areas with native plants (pickleweed and saltgrass) according to established best management practices.

The project would also include permanent, highly selective removal of isolated individual native riparian plants. Vegetation removal would be limited to trees, shrubs, and non-native exotic species that directly encroach upon the proposed trail alignment (see 1.2 Environmental Commitments, above). All vegetation management along San Pablo Creek, in the north segment along the asphalt covered road, and during culvert repair would be completed under the direct supervision of a qualified biological monitor. All tree limb removal would occur in compliance with DFG regulations.

The majority of this vegetation removal would be limited to isolated coyote brush (*Baccharis pilularis*) growing within the boneyard/storage area (Segment 3) and limited

[6] Questa Engineering Corp., 2003. *East Bay Regional Park District, proposed San Pablo Creek to Wild Cat Creek Bay Trail Loop, Richmond, Contra Costa County, California, Delineation of Potential U. S. Army Corps of Engineers Jurisdictional Areas.* Field verified by the Army Corps of Engineers May 29, 2003.

trimming of native tree species including willows and cottonwoods along Segments 1 and 2. Planting with native riparian species would be completed as part of the proposed project landscaping element, to replace these individuals at a rate of greater than 5:1, with a greater diversity of native riparian plant species.

Along trail segment 8, scattered pickleweed and non-native grasses would need to be removed incidental to trail surfacing. Vegetation growing along this length is underlain by an abandoned asphalt and gravel fill access road. Despite the presence of pickleweed, a wetland species, this area is not considered a wetland and removal of pickleweed would not constitute an impact to wetlands or sensitive habitats.

Other potential impacts to wetlands and sensitive habitats would be associated with temporary construction-related impacts, such as heavy machinery used to construct or pave the proposed trail. Contaminants including gasoline, lubricants, and others associated with heavy equipment could potentially leak or be spilled. If improperly operated, machinery could expose soils, create erosion, and otherwise contribute sediment to waterways and wetlands. Construction activities also have the ability to generate dust and other particulate matter. These potential construction-related impacts would be avoided through implementation of Mitigation Measure AQ-1 and the project SWPPP, which includes comprehensive procedures for avoiding pollutant inputs as required for NPDES compliance (as detailed in the Hydrology and Water Quality section and the Project Description). Furthermore, the project would proceed in compliance with regulations of the San Francisco Bay RWQCB and ACOE under Sections 401 and 404 of the Clean Water Act.

Summary of Riparian and Wetlands Impacts. Temporary construction phase impacts would be minimized through compliance with NPDES requirements, including implementation of the project SWPPP, and through adherence to the requirements of the San Francisco RWQCB and the ACOE. Vegetation removal would be extremely limited, with removal in sensitive areas (i.e., along San Pablo Creek, in the north segment along the asphalt paved road, and during culvert repair) occurring under the supervision of a qualified biological monitor in compliance with DFG regulations. Construction activities involving significant soil disturbance and earthwork would be scheduled to take place during the dry season, between June 15 and October 31, or as otherwise determined by permitting agencies, and in compliance with Section 401 of the Federal Clean Water Act, and with the DFG Section 1600 Streambed Alteration Agreement. Construction outside of this window may be permitted following consultation and approval from the permitting agencies. Adherence to these environmental commitments, as detailed in the project description, along with implementation of Mitigation Measure AQ-1, would ensure that the project results in ***less than significant*** impacts to riparian and wetland environments.

d) Interference with the Movement of Fish or Wildlife

Vegetation management associated with the project could result in the disturbance and disruption of any streambank or riparian habitat that supports the migration, nesting, or breeding of any fish or wildlife species. Project construction (a carefully constructed above top-of-bank trail) would not affect the migration of any anadromous fish species, or create any barriers to movement (see previous steelhead impact discussion). Construction activities could potentially disturb migratory birds or small mammals located in close proximity to the project site. It is important to recognize that a bird-deterrent noise producing device is operating at the adjacent landfill. Project plans and anticipated regulatory permit conditions would typically preclude construction activity during any bird nesting periods within the San Pablo Creek riparian corridor. The adjacent Wildcat Marsh serves as a migratory stopover and provides nesting habitat for a variety of bird species. Carefully managed construction activities, including SWPPP implementation, presence of a biological monitor, and worker education would minimize impacts on riparian and aquatic habitat supporting migratory species. Project construction would take place outside of the migratory bird nesting season, to be completed between September 1 and January 31. Work outside this window may occur following consultation with and approval from the jurisdictional agencies. Should vegetation removal be necessary during the migratory bird nesting period, such activities would be preceded by a survey for migratory bird nests by a qualified biologist. Integration of these environmental commitments within the project design would ensure that impacts are limited to a ***less-than-significant*** level, including potential impacts to species migration, nursing, and nesting.

e, f) Permit Requirements and Conflicts With Local Policies, Ordinances, Habitat Conservation Plan, or Natural Community Plan

Policies regarding biological resources are included within the Conservation Element Sections of the Contra Costa General Plan[7] and the City of Richmond General Plan[8], and within the North Richmond Shoreline Specific Plan.[9] There are no Habitat Conservation Plans or Natural Community Conservation Plans that cover Wildcat Marsh. In general, the goals and policies of these documents establish the goals of protecting natural resources, particularly wetlands, riparian areas, and sensitive habitats and associated species.

Since the proposed trail would occupy existing service roads and reconstructed maintenance roads, and fencing and other measures would be used to prevent impacts to sensitive species in the adjacent Wildcat Marsh. The Biological Survey concluded that

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[7] Contra Costa County Community Development Department, 2005. *Contra Costa General Plan 2005-2020.* Section 8.6: Conservation Element, Vegetation and Wildlife. Page 8.3.

[8] City of Richmond Planning Department, 1994 with 1998 revisions. *Volume One of the Richmond General Plan Goals, Policies, Guidelines, Standards, and Implementation Programs.* Open Space and Conservation Element. Pages OSC 1-47.

[9] Brady and Associates Planners and Landscape Architects, 1993. *North Richmond Shoreline Specific Plan.*

neither the salt marsh harvest mouse or clapper rail are present at the project site, and project activities are not likely to impact these species. Accordingly, consultation with the USFWS under Section 10 of the Endangered Species Act is not anticipated. The replacement of the two corrugated metal pipe culverts with two new re-enforced concrete pipe culverts in the iceplant-covered on-site tidal drainage ditch would be covered under an existing Memorandum of Understanding between EBRPD and the ACOE. This would need to be re-confirmed with the ACOE prior to initiation of work. Streambed alteration agreements may be needed between EBRPD, WCWD, and the California Department of Fish and Game for construction of the above features, as well as discussions with the California Department of Fish and Game regarding trail use on existing service roads immediately adjacent to Wildcat Marsh. A stormwater permit or waste discharge agreement with the San Francisco Bay Regional Water Quality Control Board (Regional Board) would also be necessary, including the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and Erosion Control Plan (see 3.8 Hydrology and Water Quality).

An encroachment agreement with the City of Richmond would also be required to connect the proposed trail to the City's Richmond Parkway sidewalk at San Pablo Creek. Some minor non-native tree or shrub removal would be necessary at this location.

Because the project involves providing public access and alterations within 100 feet of an area of highest tidal action, and since the proposed trail and bridge construction work is within the apparent jurisdiction of the San Francisco Bay Conservation and Development Commission (BCDC), a permit from this agency would likely be required. Adherence to the procedures identified in 1.2 Environmental Commitments, above, would reduce impacts to the San Francisco Bay to a ***less than significant*** level.

The proposed project involves vegetation removal such as limbing of overhanging branches on Segments 1 and 2 along San Pablo Creek. The proposed project also involves grading and surfacing in the dripline of riparian trees. San Pablo Creek is within the jurisdiction of Contra Costa County. The County has adopted tree protection and preservation zoning regulations to minimize impacts to protected trees.[10] The ordinance lists protected trees including specific species of trees that are part of riparian areas. Tree removal permits may be required by the County for grading/surfacing within the dripline and for limbing of trees along the Contra Costa Flood Control District San Pablo Creek levee top. Since this bank top trail would be located on lands owned and managed by Contra Costa County Flood Control and Water Conservation District, approval from this agency for any tree removal/limbing and for bank top surfacing would also be necessary. (It should be noted that the Flood Control District has given preliminary verbal approval for the project). Prior to vegetation removal, all necessary permits and/or authorizations would be obtained as required by the San Francisco Bay Conservation and Development Commission, the DFG and the RWQCB (none anticipated for DFG and RWQCB). The applicant would also obtain all necessary permits for tree alteration and removal from the Contra Costa County Flood Control and Water Conservation District and City of

[10] Contra Costa County, *Contra Costa County Zoning Ordinance 2007.* Chapter 816-6: Tree Protection and Preservation.

Richmond. Adherence to the environmental commitments described in 1.2 Environmental Commitments, above, would ensure that the project does not significantly impact any sensitive community types or associated species, and would ensure that impacts of conflict with local plans and ordinances are ***less-than-significant***.

3.5 CULTURAL RESOURCES – Would the project:	**Rating**
a) Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5 of the *CEQA Guidelines*?	N
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the *CEQA Guidelines*?	M
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	N
d) Disturb any human remains, including those interred outside of formal cemeteries?	M
Legend: N = No Impact; L =Less-Than-Significant Impact; M = Less-Than-Significant Impact with Mitigation Incorporated; S = Potentially Significant Impact	

a) The project site does not contain historic buildings or other historical resources, and the trail project would not substantially affect above-ground structures. There would be ***no impact*** on historical resources.

b, d) The first known occupants of the Richmond area were the Huchium, a tribe of the Ohlone people (also known as the Bay Miwok). The Ohlone are known to have occupied the region at least since 300 A. D., though their presence may date back much earlier. At the time of contact with the Europeans, there were an estimated 7,000 to 10,000 Native Americans living in the coastal area between Point Sur in Monterey County and San Francisco Bay. A number of associated archaeological sites are known to exist in Richmond adjacent to the Bay shoreline and along inland creeks. Many of the midden findings associated with these sites date to as early as 100 B. C. They often include shells, jewelry, artifacts, and human bones. In the latter half of the eighteenth century Spanish pioneers began moving into the Bay Area, displacing the Huchium and other Ohlone tribelets. By 1850, few Native Americans remained in the Richmond area.

The project site consists of essentially flat, low-lying lands adjacent to Wildcat Marsh. Although the site is located along the Bay shoreline, an area favored by Native Americans, the site has been extensively disturbed by construction of the wastewater treatment plant and associated roadways. The project would involve construction and replacement of fences, and earthmoving including grading, import of approximately 600 to 700 cubic yards of fill, and excavation of approximately 20 to 30 cubic yards of trench spoils from the area of the culvert in Segment 7. No intact cultural resources are expected at or near the ground surface due to previous disturbance. Nevertheless, potentially significant cultural resources may remain buried in the area, and be uncovered or disturbed during project construction. Disturbance of a previously buried archaeological site or buried human remains would constitute a potentially significant impact. If this were to happen, EBRPD would follow its established protocol for appropriate treatment of these materials, by implementing Mitigation Measures C-1, C-2,

and C-3, below, to avoid or reduce ***potentially significant*** impacts on archaeological resources to a ***less than significant*** level.

> ***MITIGATION MEASURE C-1:*** *In the event that prehistoric or archaeological artifacts or remains are encountered during construction activities, all ground disturbing activities will be halted within at least 50 feet and artifacts will be protected in place (in accordance with EBRPD Board Resolution No. 1989-4-124 and federal and state law), until the find is evaluated by a qualified archaeologist.*
>
> ***MITIGATION MEASURE C-2:*** *If the qualified archaeologist determines that the find is an important resource, funding and time will be provided to allow recovery of the resource or to implement avoidance measures.*
>
> ***MITIGATION MEASURE C-3:*** *In the event of accidental discovery of human remains, the County Coroner will be notified, and, if the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) will be notified within 24 hours to identify the Most Likely Descendant (MLD), in accordance with federal and state law. The disposition of the remains will be coordinated between EBRPD, the County Coroner, NAHC, MLD and the archaeological consultant, in accordance with federal and state law.*

c) There would be ***no impact*** because neither unique geologic or physical features are present nor have paleontological resources been identified on the site. The trail project would neither substantially affect local topography or buried paleontological resources nor alter geologic features.

3.6 GEOLOGY AND SOILS – Would the project:	**Rating**
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	L
ii) Strong seismic ground shaking?	L
iii) Seismic-related ground failure, including liquefaction?	L
iv) Landslides?	L
b) Result in substantial soil erosion or the loss of topsoil?	L
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	L
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	N
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	N
Legend: N = No Impact; L =Less-Than-Significant Impact; M = Less-Than-Significant Impact with	

Mitigation Incorporated; S = Potentially Significant Impact	

The project site is located along the southern shore of San Pablo Bay, between San Pablo Creek to the north and Wildcat Creek to the south. West of the site is Wildcat Marsh, which includes areas of upland, transition zone, pickleweed marsh, and tidal slough. Soil in the area consists of surficial gravel, silty clays, and bay mud with areas of fill. This is a seismically active region with two major earthquake fault zones (Hayward and San Andreas) within approximately 15 miles of the project site. Geologic and soil constraints at the project site include the potential for strong ground shaking, liquefiable and expansive soil, and soil erosion/loss of topsoil.

a) The nearest Alquist-Priolo Earthquake Fault Zone to the proposed project is the Hayward fault, located approximately two miles to the northeast. Therefore, fault rupture at the project site is unlikely. Proximity to this active seismic feature means that the site will likely be subject to very strong to extreme seismically induced ground shaking. The project site is nearly level and would not be subject to landslides. The site is underlain by bay muds, which are subject to liquefaction. However, the project does not include construction of buildings or structures that would be subject to the effects of groundshaking, liquefaction, or landsliding, and the project would not substantially increase exposure of persons to geological hazards greater than those currently existing. This impact would be ***less than significant***.

b) Project activities including clearing, grubbing, and grading would remove ground cover and expose/disturb soil along the trail alignment. Soil and topsoil could potentially be transported off-site in stormwater runoff, during site watering, and by wind. Implementation an erosion control plan as described in Item 3.8.a Hydrology and Water Quality, would reduce this impact to a ***less than significant*** level.

c) The project site is almost entirely flat, and would not be subject to landslides or mudflows. The proposed trail alignment would be underlain by bay mud and fill, which are potentially subject to liquefaction and expansion. Liquefaction could also lead to lateral spreading along creek banks. No structures are proposed that would be affected by these hazards, and the project would not expose persons to geologic hazards greater than those associated with existing conditions. Therefore, impacts due to liquefaction and expansive soil would be ***less than significant***.

d) Though the site is underlain by bay muds, which are expansive, there would be ***no impact*** because no structures are proposed.

e) There would be ***no impact*** as the project does not include or otherwise require the use of septic tanks, alternative wastewater disposal systems, or sewers.

3.7 HAZARDS AND HAZARDOUS MATERIALS – Would the project:	**Rating**
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	M

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	M
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school?	N
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	N
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	N
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	N
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	N
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	L
Legend: N = No Impact; L =Less-Than-Significant Impact; M = Less-Than-Significant Impact with Mitigation Incorporated; S = Potentially Significant Impact	

a) The routine transport or use of hazardous materials is not required to accomplish the project. The project would involve import of approximately 600 to 700 cubic yards of fill material (soil) to the site. Most of this fill would be used for the transition ramps in Segment 1, with smaller amounts used for filling around the culvert in Segment 6 and for backfill in Segment 9. In addition, an estimated 20 to 30 cubic yards of trench spoils would be removed during the replacement of the culvert in Segment 6. If the fill material removed from or placed at the project site were to contain hazardous material unknown to EBRPD, this would constitute a potentially significant impact. To preclude this possibility, EBRPD would import and use only fill material approved as clean, including soil testing as necessary, and test and appropriately dispose of soils excavated at the site. Implementation of the following mitigation measure would reduce ***potentially significant*** hazards to the public or the environment to a ***less than significant*** level.

> ***MITIGATION MEASURE HAZ-1:*** *All proposed imported fill material will be reviewed by EBRPD before importing to the project site. EBRPD will require certification that the fill material is clean. Fill will be accepted only if tests confirm it meets acceptable standards for heavy metals, petroleum hydrocarbons, volatile organic compounds, semi-volatile organic compounds, PCBs, pesticides and asbestos.*
>
> *Soil generated by excavation and grading operations at the project site will be sampled and profiled for disposal to an appropriate landfill facility, in accordance with federal and California Environmental Protection Agency (EPA) regulations. Stockpiling, storage, and transport of soils will comply with California Department of Transportation, San Francisco Regional Water Quality Control Board, and Cal EPA applicable rules and regulations.*

b) Accidental spills of gasoline or other petroleum products required for operation of motorized equipment into or adjacent to open water have the potential to degrade water quality and result in toxicity to aquatic organisms. Although the impact to water quality

in the event of a fuel or petroleum spill would be temporary and localized to the general vicinity of the spill, this is a ***potentially significant*** impact. Implementation of best management practices by EBRPD and Mitigation Measures HAZ-2 and HAZ-3 would reduce this impact to a ***less than significant*** level.

> ***MITIGATION MEASURE HAZ-2:*** *Prior to work, all equipment will be inspected for fuel, oil, and hydraulic leaks, and repaired.*
>
> ***MITIGATION MEASURE HAZ-3:*** *Fueling of equipment and vehicles will occur in upland areas a minimum of 100 feet from any wetland or open water. Storage of petroleum products will be maintained off-site, and a spill prevention plan will be developed and implemented to contain and clean-up spills. An oil spill kit will be kept on-site.*

c) There are no schools within one-quarter mile of the project site. There would be ***no impact.***

d) The project site is not on the list of hazardous materials sites compiled by the California Department of Toxic Substances Control pursuant to Government Code Section 65962.5, known as the Hazardous Waste and Substances Site List, or "Cortese List" (California Environmental Protection Agency 2007). There would be ***no impact.***

e, f) No airport-related impacts are anticipated: there are no public or private airports within two miles of the project site. There would be ***no impact.***

g) The project would not affect existing fire and emergency vehicle access to the project site or the wastewater treatment plant, which would continue to be available through existing roads at the wastewater treatment plant and WCCSL. The project would not impair implementation of, or physically interfere with, an adopted emergency response or evacuation plan. There would be ***no impact.***

h) The areas are located to the north, east, and south of the project site are urbanized, and Wildcat Marsh and San Pablo Bay are located to the west of the project site. The risk of wildland fires in the project vicinity is low, and the proposed project does not have the potential to expose people or structures to significant risk as a result of wildfires. This impact would be ***less than significant.***

3.8 HYDROLOGY AND WATER QUALITY – Would the project:	**Rating**
a) Violate any water quality standards or waste discharge requirements?	L
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	L

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	L
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	L
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	L
f) Otherwise substantially degrade water quality?	L
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	N
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	L
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	L
j) Inundation by seiche, tsunami, or mudflow?	L
Legend: N = No Impact; L =Less-Than-Significant Impact; M = Less-Than-Significant Impact with Mitigation Incorporated; S = Potentially Significant Impact	

The project site is located on a tidal and riverine floodplain bounded by San Pablo Creek to the north and Wildcat Creek to the south, with the fully tidal Wildcat Marsh to the west. Castro Cove and San Pablo Bay are located still further to the west. The Federal Emergency Management Agency (FEMA) 1987 Flood Insurance Rate Maps (or FIRM) for the City of Richmond and for unincorporated Contra Costa County show that the floodplain and marsh areas are subject to flooding during a 100-year event from both stream and bay tidal flooding. However, the FEMA flood zone maps predate the U.S. Army Corps of Engineers/Contra Costa County Flood Control and Water Conservation District flood control project that was completed along lower Wildcat and San Pablo Creeks in 1989-1990. Both of these creeks have been improved for flood control purposes by channel widening and construction of elevated levees. The San Pablo Creek levee is about five to six feet above the adjacent WCWD property and has a narrow (10- to 12-foot-wide), poorly maintained dirt track along its top. The proposed trail connection from the Richmond Parkway around the west side of the plant would be located along this dirt track. In addition, a short segment of WCWD property is protected from flooding along San Pablo Creek by a low (three- to four-foot-high) concrete floodwall. Two small soil slips or toe slope failures occur along the San Pablo Creek southern levee, and would need to be repaired for trail construction, and to provide continued levee integrity for facility flood protection. Channel access for creek maintenance along San Pablo Creek is apparently provided along an in-channel maintenance road located on the north creek bank, opposite the WCWD wastewater treatment plant site.

The WCWD plant site is also protected from flooding by the north bank Wildcat Creek levee on the plant's south side, near the equalization ponds. The existing Wildcat Creek

spur trail is located on top of this levee. With proper maintenance, the 100-year flood flows are designed to be contained in the channels of both Wildcat and San Pablo Creeks.

Although some minor filling and ditching has occurred within Wildcat Marsh, especially historic filling in a narrow band immediately adjacent to the WCWD plant site, it is still subject to tidal action through a series of mostly natural sloughs that drain the marsh via Castro Creek. (A small part of this marsh in the northwest corner near the West County Landfill had been diked off, but the dike has recently been breached). This area along the western fence line may therefore also be subject to tidal flooding during an extreme tidal event within Castro Cove. The 100-year still water tide is estimated to be 6.2 feet NGVD in this area (the FEMA FIRM shows 100-year tidal flooding up to the property line at elevation 6.0). Portions of WCWD property along an apparently abandoned paved access road west of the fence line, along the southern end of the plant property (marsh side) may be at or slightly above this elevation, as is a small drainage swale that separates the southern end of the plant site from the Wildcat Creek's northern levee. These areas may be subject to extreme tidal flooding and prolonged winter ponding during especially wet winters, as would a small ditch that would need to be spanned to connect the proposed WCWD trail with the existing Wildcat Creek levee trail. The trail would be located along this old paved road, and raised about an additional one foot to place it further above extreme tide events. However, the majority of the plant site, including the roadway along the sludge drying lagoons and treatment pond areas adjacent to Wildcat Marsh where most of the proposed trail would be placed, has been constructed on elevated fill, and/or is protected by berms, and is therefore not subject to flooding or extreme tidal inundation.

a) There are no contaminant sources known to be present along the proposed trail alignment other than the historic use as a wastewater treatment plant, and no soil testing has been completed associated with this project. However, sometimes historic fill and bay muds (which underlie portions of the proposed trail alignment) in industrial areas around the bay contain elevated levels of heavy metals and other unknown organic contaminants.

Most of the proposed trail alignment follows existing gravel or paved plant maintenance roads; therefore, site grading is expected to be minimal. However, project construction activities including clearing, grubbing, and grading would remove ground cover and expose/disturb soil along the trail alignment. If such disturbed soils containing elevated concentrations of heavy metals or other contaminants are exposed to winter rains, these potentially present pollutants could be transported in stormwater runoff or during site watering for compaction and dust control, and could potentially degrade water quality in the adjacent Wildcat Marsh. In addition, exposed/disturbed areas are susceptible to soil erosion, and trail construction could potentially contribute sedimentation directly to Wildcat Marsh, and could increase the turbidity of adjoining waterways, including San Pablo Creek and the Bay.

Project effects on siltation, sedimentation, and degradation of waterways caused by runoff from the project site during construction would be addressed through adherence to the State Water Resources Control Board requirements for a National Pollutant Discharge

Elimination System General Permit (see 1.2 Environmental Commitments, above). The applicant would submit an application package (including a Notice of Intent or NOI) to the State Water Resources Control Board for a National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities, and will obtain a General Permit before commencing construction. The submittal will include a Stormwater Pollution Protection Plan (SWPPP) prepared by the applicant/contractor in conjunction with the submittal of the NOI to comply with the NPDES, along with any Section 404 Wetlands Fill Permit and Section 401 Regional Board Water Quality Certification requirements. The SWPPP will include both temporary and permanent Best Management Practices (BMPs) and other elements to be implemented during the construction phase and throughout the life of the proposed trail improvements. The project SWPPP and related water quality and stormwater runoff protection plans will include, but will not be limited to, the following measures for the construction period:

- **Erosion Control Plan.** The plan will include erosion control/soil stabilization techniques such as straw mulching, erosion control blankets, erosion control matting, and hydro-seeding to create a stable permanent vegetated soil surface. Silt fences used in combination with straw fiber rolls will be installed down slope of all graded slopes. Fiber rolls will be installed in the flow path of graded areas receiving concentrated flows and fiber rolls or proven sediment traps will be placed around any identified storm drain inlets and inflow points to drainage ditches. A construction entrance will be placed and stabilized to prevent tracking of dirt onto roads next to the site through use of a gravel base, erosion control blankets, or other approved elements. Additionally, rock checks, fiber rolls, or other suitable material will be placed below any culvert outfalls to neighboring waterways to prevent soil erosion from concentrated flow in these areas.

- "Best Management Practices" will be implemented for preventing the discharge of other construction-related NPDES pollutants beside sediment (i.e., paving materials, sawdust from treated wood posts and rails, concrete, etc.) to downstream waters.

- After construction is completed, all drainage facilities will be inspected for accumulated sediment and other debris, and these drainage structures will be cleared of debris and sediment.

- East Bay Regional Park District engineering/construction inspection staff, in coordination with City of Richmond and Contra Costa County Public Works staff will visit the site during grading and construction to ensure compliance with City and County grading, stormwater and erosion control ordinances and SWPPP requirements, and note any violations, directing the construction contractor to correct immediately.

If a Contra Costa Clean Water Program C.3 plan is required, the provisions below will be revised to match the C.3 requirements (infiltration BMPs, etc.). Long-term measures to

be included in the updated project SWPPP will include, but are not limited to, the following:

- Description of potential sources of erosion and sediment at the proposed project site, and any hazardous or potentially hazardous materials and chemicals. This will include a thorough assessment of existing and potential pollutant sources.

- Permanent "Best Management Practices" (BMPs) to protect surface water quality will be implemented throughout the life of improvements.

- BMPs and all water quality controls will be designed to retain existing drainage patterns at the site to the maximum extent possible.

- The monitoring and maintenance program will be conducted at the frequency stipulated in the approved SWPPP. The SWPPP will be adjusted, as necessary, to address any inadequacies of the BMPs.

- Following completion of trail construction, a trails maintenance plan will be developed and implemented based on the standard trail maintenance practices of East Bay Regional Park District, also incorporating adopted District maintenance BMPs and procedures.

- Trail maintenance activities incorporating EBRPD BMPs will take place throughout the life of improvements, and the SWPPP will establish maintenance responsibility, funding, and schedules.

Project compliance with the State Water Resources Control Board requirements for a National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities would reduce the project's stormwater runoff impacts, during the construction phase and during the life of the proposed trail improvements, to a ***less than significant*** level.

b) The project would not affect groundwater or aquifer levels. No water supply would be developed and groundwater is not proposed to be used as part of the project. The proposed project involves paving the trail primarily with semi-pervious surfaces, along with a small area of impervious asphalt concrete; however, the amount of paving would minimally affect groundwater recharge levels, and therefore the impact would be ***less than significant.***

c, d) The project would result in very minor long-term drainage changes, associated with replacing small areas of gravel maintenance roads with a new asphalt concrete surface, or with other semi-permeable trail surfacing materials. The majority of the proposed alignment is currently paved, and most areas that are currently unpaved would be surfaced with semi-pervious materials such as decomposed granite.

The proposed project also includes replacing a corroded corrugated metal pipe (cmp) culvert within an existing tidal slough crossing with a slightly larger reinforced concrete pipe (rcp) to accommodate trail users and ongoing WCWD operations. East Bay Regional Park District has a Memorandum of Understanding with the ACOE for discretionary replacement of existing culverts allowing an incremental increase in pipe diameter and a 20 percent increase in overall length. The two existing 25-foot-long, 48-inch corrugated metal culvert pipes would be replaced with two new side-by-side, 30-foot-long, 54-inch diameter reinforced concrete pipes and new cast-in-place concrete headwalls at either end to strengthen and widen the existing crossing. Such an alteration would have minimal (beneficial) effects on tidal flows in the slough, slightly increasing the hydraulic capacity of the culvert, and is therefore considered ***less than significant.***

e) The project would not significantly impact stormwater drainage capacity as the amount of paving associated with the trail, and the consequent increase in stormwater runoff, would be minimal. The majority of the trail would utilize existing paved surfaces, or would improve existing gravel maintenance access roads using semi-pervious trail surfacing (decomposed granite or stabilized quarry fines). There are no contaminant sources known to be present along the proposed trail alignment. However, historic fill soils and reworked bay muds placed in an industrial setting (which underlie portions of the proposed trail alignment) may potentially contain elevated levels of heavy metals and other contaminants. Project activities including clearing, grubbing, and grading would remove protective ground cover and expose/disturb soil along the trail alignment during the period. If contaminants are present in these soils, and disturbed areas are exposed to winter rains, these potentially present pollutants could be transported in stormwater runoff or during site watering, and could degrade water quality and adversely impact wildlife. In addition, exposed/disturbed areas are susceptible to erosion, and could potentially contribute sedimentation directly to Wildcat Marsh, and increase the turbidity of adjoining waterways, including San Pablo Creek and the Bay. Implementation of an erosion control plan, described in Item 3.8.a, above would reduce these impacts to a ***less than significant*** level.

f) No water quality impacts other than those discussed in Items 3.8.a through 3.8.e, above are anticipated. Implementation of the procedures identified in Items 3.8.a through 3.8.e would reduce these impacts to a ***less than significant*** level.

g, h) The project site is located within a FEMA mapped 100-year flood hazard area, but it does not include the construction of any housing, nor would it create any substantial structures which would significantly impede or redirect flood flows. To connect the southern part of the proposed trail system with the existing Wildcat Creek levee top trail, a small 20-foot bridge would be constructed to span a small drainage swale. Although the bridge itself has been designed to be above the estimated 100-year flood height, elevated access ramps connecting the at-grade trail to the bridge structure, and to the levee top Wildcat Trail, would be within the 100-year floodplain and just below the extreme tidal flooding height. Tidal flooding velocities are typically very low and there is very little danger that these structures would impede, alter, or redirect tidal flood waters. The project would therefore have ***less than significant impacts*** on flooding.

i) Portions of project site are subject to tidal flooding during extreme (100-year) tidal flooding events, or from the failure of either the Wildcat or San Pablo Creek levees during large flood events. Such an event would result in low-velocity shallow inundation of the project area, with little to no risk of flash flooding. Similar inundation would occur along San Pablo Ave. and Richmond Parkway, which currently function as pedestrian pathways for which the proposed project would provide an alternative access route.

Additionally, the project site, along with many parts of the cities of Richmond and San Pablo, may be inundated in the event of dam failure at the Anza, Briones, or San Pablo reservoirs, according to the Association of Bay Area Government Dam Failure Map for Richmond/San Pablo. The Division of Safety of Dams within the California Department of Water Resources is responsible for ensuring that dams meet adequate standards of public safety, including accounting for the affects of potential earthquake motions. Periodic inspection of dams is carried out, and the owner is required to make any improvements deemed necessary. No dam in Contra Costa County has failed as a result of earthquake shaking, and the Anza, Briones, and San Pablo dams do not straddle any active fault lines.

Pedestrian use of the trail would not significantly increase the risk of injury or death from flooding, as such a rare event would similarly inundate the surrounding areas that currently function as pedestrian pathways for which the proposed trail would provide an alternative access route. Furthermore, potential flooding at the project site would most likely be shallow and low-velocity. As such, the project would have a ***less than significant impact*** related to flood hazards.

j) Mudflows are common where thick clayey soils occur on steep, long slopes, and typically start to flow when soils are saturated following extended periods of unusually heavy rains. The gentle topography and urbanized nature of the project site means that mudflows are highly unlikely. The project is located along a portion of San Pablo Bay that is separated from San Francisco Bay by the relatively narrow San Pablo Strait, formed by Point San Pablo to the south and Point San Pedro to the north. Tsunami waves originating in the Pacific Ocean would first pass through the Golden Gate and San Pablo Strait, both of which would attenuate the force of tsunami waves before they reach the project site. Due to the relatively large size of San Pablo Bay, the hazard of seiche waves is considered to be low. In addition, there is no historic record of such waves occurring in San Pablo Bay during recent strong earthquakes. The project does not include the construction of any structures that could be affected by inundation by waves. For these reasons, the impact of inundation by seiche, tsunami, or mudflow would be ***less than significant.***

3.9 LAND USE AND PLANNING – Would the project:	**Rating**
a) Physically divide an established community?	N
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	N

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	N
Legend: N = No Impact; L =Less-Than-Significant Impact; M = Less-Than-Significant Impact with Mitigation Incorporated; S = Potentially Significant Impact	

a) The trail project would be constructed within or adjacent to the existing roadway network of the wastewater treatment plant. The project would not physically divide any established community. There would be ***no impact.***

b) The *Richmond General Plan* designates the project site as 964 Public and Institutional, and the *Contra Costa County General Plan* designates the site as OS (Open Space). The trail project is consistent the ABAG *Bay Trail Plan,* EBRPD's *Master Plan*, and the *City of Richmond General Plan.* Because the proposed trail is consistent with existing local land use designations and applicable plans, there would be ***no impact.***

c) The project site is not subject to a Habitat Conservation Plan or Natural Community Conservation Plan. There would be ***no impact.***

3.10 MINERAL RESOURCES – Would the project:	**Rating**
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	N
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	N
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a, b) There are no mineral resources on the site as identified in the Open Space and Conservation Element of the Richmond General Plan (Environmental Science Associates, Inc. 1993) or the Contra Costa County General Plan (Contra Costa County Community Development Department 2005). Furthermore, the project would not substantially affect access to the site or any possible unidentified mineral resources. There would be ***no impact.***

3.11 NOISE – Would the project result in:	**Rating**
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	L
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	L
c) A permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	L
d) A temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	L
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	N
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	N

Legend: N = No Impact; L =Less-Than-Significant Impact; M = Less-Than-Significant Impact with Mitigation Incorporated; S = Potentially Significant Impact	

a, c) At the project site and vicinity, ambient noise is generated by aircraft, nearby industrial uses, and vehicular traffic on nearby roads including the Richmond Parkway east of the site and the entry to the transfer station and recycling facilities north of the site. Background ambient noise is also generated by natural sources such as wind and wave action. Truck traffic and equipment operation at the WCWD treatment plant contributes periodically to ambient noise levels in the area (the existing land use at the WCWD wastewater treatment plant would not change with project implementation). There are no sensitive receptors (e.g., residences, schools, hospitals, etc.) within 500 feet of the project site.

City of Richmond noise standards are set forth in the Noise Element of the General Plan, and are based on the State of California Land Use Noise Compatibility Matrix. Similar to the City of Richmond, standards in the Noise Element of the Contra Costa County General Plan also are based on the State Land Use Noise Compatibility Matrix. The Matrix does not contain guidelines for the amount of noise considered compatible with open space or trails; the closest category is "Playgrounds, Neighborhood Parks", which are considered to be compatible (Normally Acceptable) with an Ldn or CNEL of up to 70 dB without mitigation. Noise measurements at the project site are not available; however, noise levels are relatively low and are presumed not to exceed 70 Ldn or CNEL.

Operation of the proposed trail project would not generate a substantial permanent increase in the ambient noise level (project construction noise is discussed in Item d, below). Operation of the trail would allow public access to an area that was previously closed to the public, and expose trail users to the ambient noise levels at the project site. As discussed in 1.1 Project Description, Segments 2, 5, 6, and 7, these segments would be closed periodically during use by heavy trucks and equipment for treatment plant maintenance, which also would prevent exposure of trail users to truck and equipment noise. No other sources of excessive noise are anticipated to affect trail users, and the duration of use of the trail by any given individual would be limited. For these reasons, the proposed project would not result in exposure of persons to excessive noise levels or a permanent increase in ambient noise levels. This impact would be ***less than significant.***

b) Construction of the trail could generate groundborne noise and/or vibration, but any construction-generated groundborne noise or vibration would be temporary in duration. Operation of the trail would not generate substantial levels of groundborne noise or vibration. This impact would be ***less than significant.***

d) Construction of the project would generate noise, especially by equipment and construction vehicles. Construction equipment, including trucks, would temporarily elevate noise levels in close proximity to the site where construction work was taking place. Such construction equipment typically generates maximum A-weighted noise

levels of 80 to 85 dBA at a distance of 50 feet. Contra Costa County does not have a noise ordinance, but the City of Richmond Municipal Code (§9.52.090, Prohibited Noises) regulates construction noise as follows:

> *"(a) It is hereby declared unlawful and a public nuisance for any person, firm; association or corporation to cause, create or allow to be caused or created anywhere within the City any noise which is a noise disturbance or any of the following:*
>
> ...
>
> *(14) Construction Activities. Causing or permitting the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work at any time between the hours of 7 p.m. and 7 a.m. on weekdays or 6 p.m. and 8:30 a.m. on weekends and legal holidays in any residential or commercial zoning district or adjacent to any noise-sensitive uses or so as to create a noise disturbance or cause any violation of this chapter. Prior to commencing any construction project, the project sponsor may meet and confer with the City Public Works Department to establish an appropriate construction schedule which is designed to minimize construction noise impacts and which is in conformity with the requirements of this subsection. Where construction activities on a construction project which is adjacent to any noise-sensitive use(s) are anticipated to last for a year or more, temporary noise barriers shall be constructed that break the line of sight between the noise-sensitive use(s) and the construction project, and that minimize noise impacts."*

Noise generated by construction activities would not cause a significant impact because noise would be short-term and temporary in nature, and would be required to comply with the City of Richmond limits on construction noise. Adjacent industrial and open space uses are not expected to be adversely affected by the temporary elevation in noise levels. Project compliance with existing code requirements would reduce noise disturbance from project construction to a ***less than significant*** level. No additional mitigation measures would be required.

e, f) There are no public or private airports within two miles of the project site. The project would not expose people to excessive noise levels or adverse noise impacts relating to airports. There would be ***no impact***.

3.12 POPULATION AND HOUSING – Would the project:	**Rating**
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	N
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	N

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	N
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a, b and c) The proposed project would not displace any existing housing or residents. The trail project would provide additional recreational opportunities, but this type of recreational infrastructure would not be expected to induce substantial population growth. The project would not result in the development of housing or businesses that would contribute to future growth or increased population in the area. There would be ***no impact***.

3.13 PUBLIC SERVICES – Would the project:	**Rating**
a) Would the project result in substantial, adverse, physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:	L
Fire protection?	L
Police protection?	L
Schools?	L
Parks?	L
Other public facilities?	L
Legend: N = No Impact; L =Less-Than-Significant Impact; M = Less-Than-Significant Impact with Mitigation Incorporated; S = Potentially Significant Impact	

a) The proposed project could potentially increase emergency calls to the Contra Costa County Sheriff, Contra Costa County Fire Protection District, and/or the Richmond Police and Fire Departments, but this is not anticipated to be substantial based on the nature of use of the trail and relatively low number of users, and would not require new or altered police or fire protection facilities. The project would not generate additional students or require additional school facilities. The project consists of a recreational facility, and as such is not anticipated to increase demand for other park or recreational facilities. No other public services would be substantially affected by the project. The impact on public services would be ***less than significant***.

3.14 RECREATION	**Rating**
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	N
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	M
Legend: N = No Impact; L =Less-Than-Significant Impact; M = Less-Than-Significant Impact with Mitigation Incorporated; S = Potentially Significant Impact	

a) As discussed in Item 3.13.a. above, the project consists of a recreational facility, and is not anticipated to increase demand for other park or recreational facilities. There would be ***no impact.***

b) The project consists of the construction of a recreational trail. The potential environmental effects of the trail, and mitigation measures required to reduce impacts to a less than significant level, where required, are discussed in Items 3.1 through 3.17 of this Initial Study and Proposed Mitigated Negative Declaration. With implementation of the mitigation measures identified in this Initial Study and Proposed Mitigated Negative Declaration, all impacts would be reduced to a ***less than significant*** level.

3.15 TRANSPORTATION/TRAFFIC – Would the project:	**Rating**
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	L
b) Exceed, either individually or cumulatively, a level-of-service standard established by the county congestion management agency for designated roads or highways?	L
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	N
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	L
e) Result in inadequate emergency access?	L
f) Result in inadequate parking capacity?	L
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	N
Legend: N = No Impact; L =Less-Than-Significant Impact; M = Less-Than-Significant Impact with Mitigation Incorporated; S = Potentially Significant Impact	

a, b) The proposed trail project would create a connection between the existing Wildcat Creek Regional Trail to the south and the partially-completed trail loop at the adjacent West Contra Costa Sanitary Landfill to the north, both of which include parking/staging areas. It is not anticipated that use of the trail would result in a substantial increase in the number of vehicle trips or traffic levels, nor have the potential to result in a significant increase in the volume to capacity ratio on local roads or congestion at nearby intersections.

Construction of the project would result in an increase in construction-related traffic on local roads during the construction period, but this impact would be temporary. Construction workers traveling to and from the site would contribute to peak-period traffic, but the number of workers would be small relative to current traffic volumes in the area. Many of the construction vehicles hauling equipment and supplies would travel during non-peak hours and would thus have a lesser impact on levels of service in the project vicinity. For these reasons, the individual and cumulative impact on traffic would be ***less than significant.***

c) The project would not result in a change in air traffic patterns. There would be ***no impact.***

d) The project would allow public use of some of the internal roads of the WCWD wastewater treatment plant, which are also traveled periodically by WCWD vehicles and equipment during operation and maintenance of the wastewater treatment plant. This has the potential to create safety hazards due to incompatible uses on or near the trail. As discussed in 1.1 Project Description, Segments 2, 5, 6, and 7, these segments would be closed periodically during use by heavy trucks and equipment for treatment plant maintenance. These segments would include access gates, which would be closed during treatment plant maintenance. In addition, the project would include security fences to prevent public access to treatment plant facilities. These project design and operational features would prevent hazards due to incompatible uses including movement of heavy trucks and equipment, and this impact would be ***less than significant.***

e) As discussed in Item 3.15.a, b, above, the proposed trail project would not generate substantial vehicle traffic. Public roads outside of the project site would remain open to public safety and emergency vehicles, and internal private roads on the treatment plant site also would remain available for use by public safety and emergency vehicles. The project would not affect emergency vehicle access on either nearby public roads or internal private roads at the treatment plant. For these reasons, the project would have a ***less than significant*** impact on emergency access.

f) As discussed in Item 3.15.a, b, above, the proposed trail project would connect the existing Wildcat Creek Regional Trail to the south and the partially-completed trail loop at the adjacent West Contra Costa Sanitary Landfill to the north, both of which include parking/staging areas. The number of users of the proposed trail would be relatively small, use of the project trail would be distributed throughout the day, and it is anticipated that many of the trail users would also use one or both of the adjacent trails. For these reasons, it is anticipated that the parking capacity at the existing Wildcat Creek Regional Trail and parking/staging area to the south and the partially-completed trail loop at the adjacent West Contra Costa Sanitary Landfill to the north, which includes an existing parking lot, would be sufficient to serve the project. The project would not require new on-site parking and this impact would be ***less than significant.***

g) The proposed project would be consistent with adopted policies, plans, and programs supporting alternative transportation, and would not interfere with existing bus, bicycle, and pedestrian facilities. The project would add a segment to the Bay Trail, connecting two existing components of the Bay Trail and contributing to the regional pedestrian and bicycle network. Therefore, the project would have ***no impact*** on adopted policies, plans, and programs supporting alternative transportation, and would have a ***beneficial*** impact on the environment from an alternative transportation standpoint.

3.16 UTILITIES AND SERVICE SYSTEMS – Would the project:	**Rating**
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	N
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	N
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	N
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	N
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	N
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	M
g) Comply with federal, state, and local statutes and regulations related to solid waste?	N
Legend: N = No Impact; L =Less-Than-Significant Impact; M = Less-Than-Significant Impact with Mitigation Incorporated; S = Potentially Significant Impact	

a) There would be ***no impact*** because the proposed project would not generate wastewater or contribute additional runoff to stormwater systems.

b, c) There would be ***no impact*** because the project does not propose development that would require the construction of water, wastewater or storm drainage facilities.

d) There would be ***no impact*** because the project would not place increased demands on the water supply. No facilities are planned that would require water service.

e) There would be ***no impact*** because no development is proposed that would require wastewater treatment services.

f) Solid waste from the proposed project site and vicinity was formerly disposed of in the West Contra Costa Sanitary Landfill (WCCSL), located adjacent to the site to the northwest, at the foot of Parr Boulevard. The West Contra Costa Sanitary Landfill reached capacity and closed in late 2006. A transfer station has been constructed at the landfill site, and solid waste is currently loaded onto long-haul trucks at the transfer station and transported to the Potrero Hills Landfill (PHL) in Solano County for disposal. This landfill is approximately 30 miles northeast of the project site, and has a permitted capacity of 21.5 million cubic yards (MCY), with an estimated remaining life of approximately four years (California Integrated Waste Management Board 2007). The operator is requesting approval of an expansion to an adjacent area that would provide an additional 61.6 MCY of capacity, providing approximately 35 years of additional landfill life. Future projections of growth in solid waste disposal at PHL account for future waste generated in the City of Richmond and the unincorporated Contra Costa County area near the site; however, the proposed expansion of PHL has not yet been approved.

Operation of the trail project would generate a negligible quantity of solid waste, with a correspondingly negligible impact on solid waste disposal capacity.

Although solid waste generated by the construction of the proposed project would be small in comparison to the total quantities disposed, landfill disposal capacity is a diminishing resource that is difficult and expensive to expand or develop at new sites, and project-generated waste would contribute to the exhaustion of the capacity of the Potrero Hills Landfill, especially if the proposed expansion is not approved. Furthermore, the City of Richmond and Contra Costa County, as are all jurisdictions in California, are legally obligated to divert 50 percent of the waste stream from disposal. This would be a ***potentially significant*** impact on landfill capacity, which would be reduced to a ***less than significant*** level by implementation of the following mitigation measure.

> ***MITIGATION MEASURE UTIL-1:*** *The project sponsor will comply with all state laws and local ordinances pertaining to recycling.*

g) There would be ***no impact*** because the project would comply with federal, state, and local statutes and regulations related to solid waste.

3.17 MANDATORY FINDINGS OF SIGNIFICANCE	
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	M
b) Does the project have impacts that are individually limited, but cumulatively considerable? (Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	L
c) Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?	M
Legend: N = No Impact; L =Less-Than-Significant Impact; M = Less-Than-Significant Impact with Mitigation Incorporated; S = Potentially Significant Impact	

a) The proposed trail project has the potential to adversely affect special-status wildlife species and their habitat, but EBRPD has designed the project and included avoidance and minimization measures to ensure that potentially negative impacts to the environment would be avoided or reduced to an insignificant level.

b) Section 15064 of the *CEQA Guidelines* provides that when assessing whether a cumulative effect requires preparation of an environmental impact report, the lead agency must consider both whether the cumulative impact is significant and whether the incremental effects of the project are cumulatively considerable. The lead agency may determine that a project's contribution would be less than cumulatively considerable when the contribution would be rendered less than considerable through mitigation measures.

The EBRPD finds that the cumulative impacts of the proposed project, considered together with other proposed or reasonably foreseeable projects in the area, including alternative trail crossings of the Richmond Parkway (see 2.5 Environmental Setting, above), would be less than significant.

c) The proposed project would enhance public recreational opportunities by creating a segment of the San Francisco Bay Trail in West Contra Costa County, but would not cause adverse impacts to human beings. With implementation of the mitigation measures identified in this Initial Study and Proposed Mitigated Negative Declaration, all impacts would be reduced to a less than significant level.

4.0 REFERENCES

Bay Area Air Quality Management District (BAAQMD). 1999. *BAAQMD CEQA Guidelines – Assessing the Air Quality Impacts of Projects and Plans.* December 1999.

Bay Area Air Quality Management District. *Bay Area 2000 Clean Air Plan and Triennial Assessment.* December 20, 2000. Available on-line at: http://www.baaqmd.gov/pln/plans/clean_air_plan/2000/2000_cap.pdf.

Bay Area Air Quality Management District. *Bay Area 2005 Ozone Strategy, Final.* Adopted January 4, 2006.

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California Environmental Protection Agency (Cal/EPA). Department of Toxic Substances Control. EnviroStor Database. Available online at: http://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&city=&zip=&county=contra%20costa&federal_superfund=True&state_response=True&voluntary_cleanup=True&school_cleanup=True&display_results=Report&pub=True. Viewed 14 August 2007.

California Integrated Waste Management Board. Solid Waste Information System (SWIS). Available online at: http://www.ciwmb.ca.gov/SWIS/detail.asp?PG=DET&SITESCH=48-AA-0075&OUT=HTML. Viewed 15 March 2007.

Contra Costa County Community Development Department. *Contra Costa County General Plan 2005-2020.* January 2005.

Environmental Science Associates, Inc. *City of Richmond General Plan and Zoning Ordinance Updates Program Environmental Impact Report.* SCH# 92033006. August 17, 1993. Figure IV.H.1, Open Space and Conservation.

McGinnis, Samuel, *The Status of Several Special Status Bird and Mammal Species in an Upland Tidal Marsh Area Immediately Adjacent to the Proposed Segment of the San Francisco Bay Trail from Wildcat Creek to San Pablo Creek, Contra Costa County, CA,* 2002.

McGinnis, Samuel, *Biological Assessment for the San Francisco Bay Trail: Wildcat Creek to San Pablo Creek Segment,* August 1, 2008.

Questa Engineering Corporation. *Feasibility/Preliminary Engineering Study, San Francisco Bay Trail, Wildcat Creek to San Pablo Creek.* June 13, 2003.

US Army Corps of Engineers, *Jurisdictional Wetlands Determination*, issued on June 11, 2003.

Attachment C

SAN FRANCISCO BAY TRAIL, WILDCAT CREEK TO SAN PABLO CREEK
MITIGATION MONITORING PROGRAM RESPONSIBILITY MATRIX
JULY 2009

Mitigation Measure	Timing	Method of Compliance	Responsible for Compliance	Responsible for Monitoring
Air Quality 1: Basic dust control measures will be implemented. Control measures may include: controlling dust with watering or palliatives; requiring all trucks to maintain at least two (2) feet of freeboard; limiting traffic speeds on unpaved roads to 15 miles per hour; and suspending activities when winds are too great (i.e., exceed 25 miles per hour) to prevent visible dust clouds from affecting sensitive receptors.	During Construction	Include in Bid Specifications	Contractor	Construction Inspector
Biological Resource Mitigation 1: Conduct Pre-construction Surveys for active Western Burrowing Owl Burrows and implement the California Department of Fish and game guidelines for Western Burrowing Owl mitigation and compensate for impacts, if necessary.	Prior To Construction	Include in Bid Specifications	Qualified staff biologist or consulting biologist	Construction Inspector
Cultural Resource Mitigation 1: In the event that prehistoric or archaeological artifacts or remains are encountered during construction activities, all ground disturbing activities will be halted within at least 50 feet and artifacts will be protected in place (in accordance with EBRPD Board Resolution No. 1989-4-124 and federal and state law), until the find is evaluated by a qualified archaeologist.	During Construction	Include in Bid Specifications	Qualified staff biologist or consulting biologist.	Construction Inspector & Chief of Planning, Stewardship & GIS
Cultural Resource Mitigation 2: If the qualified archaeologist determines that the find is an important resource, funding and time will be provided to allow recovery of the resource or to implement avoidance measures.	During Construction	Include in Bid Specifications	Contractor	Construction Inspector & Chief of Planning, Stewardship & GIS

Attachment C

SAN FRANCISCO BAY TRAIL, WILDCAT CREEK TO SAN PABLO CREEK
MITIGATION MONITORING PROGRAM RESPONSIBILITY MATRIX
JULY 2009

Mitigation Measure	Timing	Method of Compliance	Responsible for Compliance	Responsible for Monitoring
Cultural Resource Mitigation 3: In the event of accidental discovery of human remains, the County Coroner will be notified, and, if the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) will be notified within 24 hours to identify the Most Likely Descendant (MLD), in accordance with federal and state law. The disposition of the remains will be coordinated between EBRPD, the County Coroner, NAHC, MLD and the archaeological consultant, in accordance with federal and state law.	During Construction	Include in Bid Specifications	Contractor	Construction Inspector & Chief of Planning, Stewardship & GIS
Hazardous Mitigation 1: All proposed imported fill material will be reviewed by EBRPD before importing to the project site. EBRPD will require certification that the fill material is clean. Fill will be accepted only if tests confirm it meets acceptable standards for heavy metals, petroleum hydrocarbons, volatile organic compounds, semi-volatile organic compounds, PCBs, pesticides and asbestos.	During Construction	Include in Bid Specifications	Contractor	Construction Inspector and Design Project Manager
Hazardous Mitigation 2: Prior to work, all equipment will be inspected for fuel, oil, and hydraulic leaks, and repaired.	During Construction	Include in Bid Specifications	Contractor	Construction Inspector
Hazardous Mitigation 3: Fueling of equipment and vehicles will occur in upland areas a minimum of 100 feet from any wetland or open water. Storage of petroleum products will be maintained off-site, and a spill prevention plan will be developed and implemented to contain and clean-up spills. An oil spill kit will be kept on-site.	During Construction	Include in Bid Specifications	Contractor	Construction Inspector
Utility and Service System Mitigation 1: The project sponsor will comply with all state laws and local ordinances pertaining to recycling.	During Construction	Include in Bid Specifications	Contractor	Construction Inspector

ATTACHMENT B

RESPONSE TO COMMENTS RECEIVED on the SAN FRANCISCO BAY TRAIL, WILDCAT CREEK TO SAN PABLO CREEK INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION

This document responds to written comments made by interested parties, including government agencies, on the Initial Study and Proposed Mitigated Negative Declaration (MND) for the San Francisco Bay Trail, Wildcat Creek to San Pablo Creek. The East Bay Regional Park District (Park District, District or EBRPD) requested comments during the 30-day public review period for the MND, which ran from April 25 to May 25, 2009. The District received one comment letter during the public review period, from the Contra Costa County Flood Control and Water Conservation District.

As a result of the public review process, District staff recommends modifications to the MND, as shown in the Part C "Revisions to the San Francisco Bay Trail, Wildcat Creek to San Pablo Creek Initial Study and Proposed Mitigated Negative Declaration," consisting of the following:

- Modifications to respond to comments by the Contra Costa County Flood Control and Water Conservation District.

- Staff-initiated modifications to the Environmental Commitments section of the project description in the MND, to provide clarification, additional information, and consistency, and to account for actions taken since the MND was circulated.

The comment letter from the Contra Costa County Flood Control and Water Conservation District is reproduced in Part A below, after which individual comments are listed followed by a Park District response. Part B identifies and discusses staff-initiated changes to the Environmental Commitments. Part C presents the text of all changes to the Initial Study and Proposed Mitigated Negative Declaration.

A. COMMENTS BY THE CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Contra Costa County
Flood Control
& Water Conservation District

Julia R. Bueren,
ex officio Chief Engineer
R. Mitch Avalon,
Deputy Chief Engineer

May 18, 2009

Everett James
East Bay Regional Park District
Planning and Stewardship Department
2950 Peralta Oaks Court
Oakland, CA 94605

Files: 3019A-00, 4006-19, & 4007-19

Dear Mr. James:

We have reviewed the Initial Study and Proposed Mitigated Negative Declaration (MND) document for the San Francisco Bay Trail Connection Project, Wildcat Creek Regional Trail to San Pablo Creek. We received the document on April 21, 2009, and submit the following comments:

1. The Contra Costa County Flood Control and Water Conservation District (FC District) owns the properties for Wildcat Creek and San Pablo Creek flood control channels.

2. The FC District has a grant of easement and a trail agreement with the East Bay Regional Park District (Park District) for the recreational trail at Wildcat Creek, but not for San Pablo Creek. A right of way transaction and agreement must be completed for San Pablo Creek. Moreover, the existing easement and agreement at Wildcat Creek may need to be amended to include the improvements planned under the San Francisco Bay Trail Connection Project. We recommend that the Park District start work on these transactions as soon as possible.

3. There is a possibility that the FC District may have to raise the levees for San Pablo and Wildcat Creeks if those levees do not meet the Federal Emergency Management Agency's (FEMA) certification requirements. FEMA will reassess the status of the levees after July 2009 and may map additional areas into the floodplain. Trail improvements that would interfere with future use of the FC District's properties will have to be relocated or modified in accordance with the provisions of the current and future trail agreements.

4. We request that two copies of any geotechnical report commissioned by the Park District for the project be provided to the FC District.

5. We recommend that the Park District submit its application for a flood control permit as soon as possible, and include the project plans, legal documents, and CEQA document (the MND document) in the application. The FC District will need to adopt the project's CEQA document for the permit and the right of way transaction. The time to complete the CEQA process could take up to eight months. Please consider this time period in the project schedule.

6. Approval from the Corps of Engineers' San Francisco District, Readiness Branch must be obtained for the trail components located at San Pablo Creek and at Wildcat Creek before the FC District issues the permit for construction. We will endorse the project plans to the Corps of Engineers after we complete our review.

7. The Readiness Branch is a separate office from the Regulatory Branch of the Corps of Engineers. Similar to the CEQA process, the Corps' review could take up to eight months, and the Park District should also consider this review period in its project schedule.

8. Contra Costa County has a Drainage Ordinance and a Floodplain Ordinance that regulate activities within designated flood zone areas and work that affects drainage facilities in the unincorporated areas, respectively. Both the Drainage Permit and the Floodplain Permit may be required based on the project location and the descriptions of work.

9. In Table 1 on page 25, which lists the agencies that has jurisdiction and approval authority, please include the following information:
    a. Please add the Readiness Branch of the San Francisco District, US Army Corps of Engineers among the agencies that has jurisdiction over the project. Under the column "Authority or Permit Action," indicate "Approval of proposed work at San Pablo Creek and Wildcat Creek flood control channels."
    b. Under the column "Authority or Permit Action" for the Contra Costa County Flood Control and Water Conservation District, please add "Land rights and agreement."
    c. Under the column "Authority or Permit Action" for Contra Costa County, please add "Drainage Permit and Floodplain Permit."

10. As currently written, the Initial Study and MND document should be considered incomplete. The document should include an assessment of the impacts of the trail improvements to San Pablo Creek, Wildcat Creek, and the drainage facilities in the area.

    We request that the impacts of the proposed transition ramps and additional impervious surfaces to the levees and the capacity of San Pablo Creek be evaluated and presented in the Hydrology and Water Quality Section. Additional drawings showing the transitions and the levee should be added to the MND document.

    Similarly, the impacts of the proposed bridges to the capacities of the existing drainage facilities and to Wildcat Creek should be analyzed, and the results presented in the Hydrology and Water Quality Section. Additional drawings that show the location of the bridges over the drainage facilities should be added to the MND document.

11. There are segments of the project that are located in 100-year flood zone areas. The Park District should determine whether the flood-elevation levels will increase at those flood-zone areas due to the construction of the trail improvements. The results of the evaluation should be included in the MND document.

Thank you for allowing us to comment on the environmental document. We welcome continued coordination, and we look forward to reviewing the responses to our comments. If you have any questions, please call me at (925) 313-2283.

Sincerely,

Mario A. Consolacion
Senior Engineering Technician
Contra Costa County Flood Control
& Water Conservation District

MAC:cw
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c: Greg Connaughton, Flood Control
Tim Jensen, Flood Control
Rich Lierly, Flood Control
Teri E. Rie, Flood Control
Duke Roberts, US Army Corps of Engineers
Robert Hoshman, US Army Corps of Engineers

1. *The Contra Costa County Flood Control and Water Conservation District (FC District) owns the properties for Wildcat Creek and San Pablo Creek flood control channels.*

RESPONSE: Comment noted. This comment does not pertain to physical environmental issues or the content or adequacy of the MND, and no revisions to the MND are required.

2. *The FC District has a grant of easement and a trail agreement with the East Bay Regional Park District (Park District) for the recreational trail at Wildcat Creek, but not for San Pablo Creek. A right of way transaction and agreement must be completed for San Pablo Creek. Moreover, the existing easement and agreement at Wildcat Creek may need to be amended to include the improvements planned under the San Francisco Bay Trail Connection Project. We recommend that the Park District start work on these transactions as soon as possible.*

RESPONSE: Comment noted. This comment does not pertain to physical environmental issues or the content or adequacy of the MND, and no revisions to the MND are required.

3. *There is a possibility that the FC District may have to raise the levees for San Pablo and Wildcat Creeks if those levees do not meet the Federal Emergency Management Agency's (FEMA) certification requirements. FEMA will reassess the status of the levees after July 2009 and may map additional areas into the floodplain. Trail improvements that would interfere with the future use of the FC District's properties will have to be relocated or modified in accordance with the provisions of the current and future trail agreements.*

RESPONSE: Any future levee improvements would not be part of the proposed trail project that is the subject of the Initial Study and Proposed Mitigated Negative Declaration. As discussed in Response to Comment 10, the proposed project would not affect either Wildcat Creek or San Pablo Creek. Because the pathway would not be paved, raising the levee height in the future by the FC District would not present any major challenges or costs to re-establish the trail.

4. *We request that two copies of any geotechnical report commissioned by the Park District for the project be provided to the FC District.*

RESPONSE: Comment noted. This comment does not pertain to physical environmental issues or the content or adequacy of the MND, and no revisions to the MND are required.

5. *We recommend that the Park District submit its application for a flood control permit as soon as possible, and include the project plans, legal documents, and CEQA document (the MND document) in the application. The FC District will need to adopt the project's CEQA document for the permit and the right of way transaction. The time to complete the CEQA process could take up to eight months. Please consider this time period in the project schedule.*

RESPONSE: This comment does not pertain to physical environmental issues or the content or adequacy of the MND, and no revisions to the MND are required.

6. *Approval from the Corps of Engineers' San Francisco District, Readiness Branch must be obtained for the trail components located at San Pablo Creek and at Wildcat Creek before the FC District issues the permit for construction. We will endorse the project plans to the Corps of Engineers after we complete our review.*

RESPONSE: See Response to Comment 9.

7. *The Readiness Branch is a separate office from the Regulatory Branch of the Corps of Engineers. Similar to the CEQA process, the Corps' review could take up to eight months, and the Park District should also consider this review period in its project schedule.*

RESPONSE: This comment does not pertain to physical environmental issues or the content or adequacy of the MND, and no revisions to the MND are required.

8. *Contra Costa County has a Drainage Ordinance and a Floodplain Ordinance that regulate activities within designated flood zone areas and work that affects drainage facilities in the unincorporated areas, respectively. Both the Drainage Permit and the Floodplain Permit may be required based on the project location and the descriptions of work.*

RESPONSE: See Response to Comment 9.

9. *In Table 1 on page 25, which lists the agencies that has jurisdiction and approval authority, please include the following information:*
    a. *Please add the Readiness Branch of the San Francisco District, US Army Corps of Engineers among the agencies that has jurisdiction over the project. Under the column "Authority or Permit Action," indicate "Approval of proposed work at San Pablo Creek and Wildcat Creek flood control channels."*
    b. *Under the column "Authority or Permit Action" for the Contra Costa County Flood Control and Water Conservation District, please add "Land rights and agreement."*
    c. *Under the column "Authority or Permit Action" for the Contra Costa County, please add "Drainage Permit and Floodplain Permit."*

RESPONSE: Table 1, page 25 is revised as shown below. Additions are indicated with underlining and deletions with ~~strikeout text~~

Table 1: Agency Jurisdiction and Project Approvals

Agency	Applicable Law or Regulation	Authority or Permit Action
	FEDERAL	
U.S. Army Corps of Engineers	Sections 401 and 404 CWA	Consultation: MOU for replacement of culvert—confirm adequacy of mitigations with ACOE Confirm wood-frame bridges can be built without permit
Readiness Branch of the San Francisco District, US Army Corps of Engineers		Approval of proposed work at San Pablo Creek and Wildcat Creek flood control channels
	STATE	
California Department of Fish and Game	California Public Resources Code (CPRC)	Consultation: MOU for replacement of culvert—confirm adequacy of mitigations with DFG Confirm wood-frame bridges can be built without permit
	REGIONAL	
San Francisco Regional Water Quality Control Board	San Francisco Bay Area Basin Plan	CWA Section 402 National Pollutant Discharge Elimination System (NPDES) Permit
Bay Conservation and Development Commission (BCDC)	Federal Coastal Zone Management Act (CZMA)	(Possible) Permit for fill and other project work within a 100-foot band beyond the mean high tide line
	LOCAL	
Contra Costa County	County Code	Use Agreement, San Pablo Levee Drainage Permit and Floodplain Permit
Contra Costa County Flood Control and Water Conservation District	County Code	Encroachment Permit Land rights and agreement
City of Richmond	Municipal Code	Richmond Parkway Encroachment Permit

These revisions do not substantially change the project description, result in a new significant environmental impact, or require new mitigation measures.

10. *As currently written, the Initial Study and MND document should be considered incomplete. The document should include an assessment of the impacts of the trail improvements to San Pablo Creek, Wildcat Creek, and the drainage facilities in the area.*

    We request that the impacts of the proposed transition ramps and additional impervious surfaces to the levees and the capacity of San Pablo Creek be evaluated

and presented in the Hydrology and Water Quality Section. Additional drawings showing the transitions and the levee should be added to the MND document.

Similarly, the impacts of the proposed bridges to the capacities of the existing drainage facilities and to Wildcat Creek should be analyzed, and the results presented in the Hydrology and Water Quality Section. Additional drawings that show the location of the bridges over the drainage facilities should be added to the MND document.

RESPONSE: The project would have no impacts on San Pablo Creek, Wildcat Creek, or any other drainage facilities, except for the effects of the improvements at the tidal slough culvert at Station 39+50 (described in Segment 6: Existing Tidal Slough Crossing Shared Use in Item 1.1 Project Description of the Initial Study and Proposed Mitigated Negative Declaration). The impacts of this tidal slough culvert are discussed in Item 3.8 Hydrology and Water Quality.

The locations of the levees and bridges, and a typical cross-section with transition to the levee, are shown in Figure 3, page 19 of the Initial Study and Proposed Mitigated Negative Declaration. These figures are sufficient to describe the project for CEQA purposes. The proposed trail would be constructed on the top surface of the existing San Pablo Creek levee. Construction of the trail would require the trimming and removal of a few willow trees and a single Monterey pine, but no trees would be removed from interior of the levee. The top surface of the levee would be slightly increased in height by the placement of approximately six inches of permeable Class II aggregate base rock. No asphalt concrete paving is proposed. The trail transitions onto the levee would be comprised of fill placed on the outboard slope of the levee. Other than stripping of vegetation along the top surface of the levee, no material would be cut from the levee and no fill would be placed on the interior slope. Therefore, no impacts to San Pablo Creek are anticipated as a result of proposed trail construction.

The proposed trail would end at the outer slope of the Wildcat Creek levee. No materials would be added to the top or interior surface of the existing Wildcat Creek levee, and no materials would be cut from the levee. A small amount of fill would be placed at the outer toe of the levee to create a uniform grade up from the crossing and also for the crossing approaches. The proposed crossing at the toe of the levee is over a small seasonal drainage channel which runs along the outer toe of the levee along the West County Wastewater District (WCWD) property boundary. This trail crossing is necessitated by the presence of a seasonal wetland. The bridge structure would clear span the seasonal wetlands area; permits from the Army Corps of Engineers or California Department of Fish and Game are not anticipated as being necessary. During periods of heavy rain and coincident extreme high tides this crossing may become inundated but would not affect Wildcat Creek due to its location on the outboard toe of the levee.

Item 3.8.c,d) (Hydrology and Water Quality), page 67 is revised to add the following text after the last paragraph of Item 3.8.c,d). Additions are indicated with <u>underlining</u> and deletions with ~~strikeout text~~.

- <u>The proposed trail would be constructed on the top surface of the existing San Pablo Creek levee. Construction of the trail would require the trimming and removal of a few willow trees and a single Monterey pine, but no trees would be</u>

removed from interior of the levee. The top surface of the levee would be slightly increased in height by the placement of approximately six inches of permeable Class II aggregate base rock. No asphalt concrete paving is proposed. The trail transitions onto the levee would be comprised of fill placed on the outboard slope of the levee. Other than stripping of vegetation along the top surface of the levee, no material would be cut from the levee and no fill would be placed on the interior slope.

- The proposed trail would end at the outer slope of the Wildcat Creek levee. No materials would be added to the top or interior surface of the existing Wildcat Creek levee, and no materials would be cut from the levee. A small amount of fill would be placed at the outer toe of the levee to create a uniform grade up from the crossing and also for the crossing approaches. The proposed crossing at the toe of the levee is over a small seasonal drainage channel which runs along the outer toe of the levee along the West County Wastewater District (WCWD) property boundary. This trail crossing is necessitated by the presence of a seasonal wetland. The bridge structure would clear span the seasonal wetlands area; permits from the Army Corps of Engineers or California Department of Fish and Game are not anticipated as being necessary. During periods of heavy rain and coincident extreme high tides this crossing may become inundated but would not affect Wildcat Creek due to its location on the outboard toe of the levee.

- Therefore, ***no impact*** to either Wildcat or San Pablo Creek is anticipated as a result of proposed trail construction.

These revisions do not substantially change the project description, result in a new significant environmental impact, or require new mitigation measures.

11. *There are segments of the project that are located in 100-year flood zone areas. The Park District should determine whether the flood-elevation levels will increase at those flood-zone areas due to the construction of the trail improvements. The results of the evaluation should be included in the MND document.*

RESPONSE: The proposed trail alignment would cross two areas of potential flooding, at the northwest and southwest corners of WCWD property on existing roads adjacent to Wildcat Marsh at an elevation of approximately six feet mean sea level (msl). These areas are susceptible to inundation during periods of heavy rain and extreme high tides but would not increase flood water elevations because there is no watershed area draining over these existing roads and the placement of permeable Class II aggregate base road surface would not constrict any existing drainage facilities. The tidal floodplain in this area is very large and the placement of fill for trail surfacing and construction of the bridge structures would represent a very small and insignificant amount of material compared to the total floodplain storage capacity of the tidal floodplain. The small amount of fill would not have a measurable effect on flood water surface elevations at this location. Neither the proposed trail nor the bridge structures would block or divert floodwater, and there are no downstream structures that could be adversely affected by the project.

Item 3.8.c,d) (Hydrology and Water Quality), page 67 is revised to add the following text after the last paragraph of Item 3.8.c,d) and the additional text presented in Response to Comment 10 above. Additions are indicated with underlining and deletions with ~~strikeout~~

~~text~~.

- The proposed trail alignment would cross two areas of potential flooding, at the northwest and southwest corners of WCWD property on existing roads adjacent to Wildcat Marsh at an elevation of approximately six feet mean sea level (msl). These areas are susceptible to inundation during periods of heavy rain and extreme high tides but would not increase flood water elevations because there is no watershed area draining over these existing roads and the placement of permeable Class II aggregate base road surface would not constrict any existing drainage facilities. The tidal floodplain in this area is very large and the placement of fill for trail surfacing and construction of the bridge structures would represent a very small and insignificant amount of material compared to the total floodplain storage capacity of the tidal floodplain. The small amount of fill would not have a measurable effect on flood water surface elevations at this location. Neither the proposed trail nor the bridge structures would block or divert floodwater, and there are no downstream structures that could be adversely affected by the project. For these reasons, the impact on flooding would be ***less than significant***.

These revisions do not substantially change the project description, result in a new significant environmental impact, or require new mitigation measures.

B. STAFF-INITIATED MODIFICATIONS TO THE ENVIRONMENTAL COMMITMENTS

The following changes are made to Section 1.2 Environmental Commitments. Additions are indicated with underlining and deletions with ~~strikeout text~~. Each change is preceded by an explanation.

For consistency with the designations used by the Association of Bay Area Governments (ABAG) Bay Trail Project, the fifth sentence of the first paragraph of page 1 is revised as shown, to clarify that the proposed project would constitute an additional alignment of the San Francisco Bay Trail rather than a realignment. This revision does not substantially change the project description, result in a new significant environmental impact, or require new mitigation measures.

- The proposed project would provide an additional alignment to~~Realignment of~~ the existing 0.6-mile Bay Trail segment that is currently routed along the Richmond Parkway, and would bring the trail user closer to the Richmond shoreline, separate the user from a heavily traveled vehicular route along the Richmond Parkway, and provide interpretive opportunities of Wildcat Marsh.

For consistency with the designations used by the Association of Bay Area Governments (ABAG) Bay Trail Project, the second sentence of the first full paragraph on page 24 is revised as shown. This revision does not substantially change the project description, result in a new significant environmental impact, or require new mitigation measures.

- The project would provide an additional alignment~~realignment of this~~ to the existing 0.6-mile Bay Trail segment which would bring the trail user closer to the Richmond shoreline, separate the user from a heavily traveled vehicular route along the Richmond Parkway, and provide interpretive opportunities of the

Wildcat Marsh.

The fourth paragraph of page 9, and the fourth paragraph of page 44, are revised as shown, to clarify that EBRPD has an existing memorandum of understanding with the US Army Corps of Engineers (ACOE) as well as the California Department of Fish and Game (DFG). This revised Environmental Commitment is equivalent to the corresponding Environmental Commitment in the Initial Study and Proposed Mitigated Negative Declaration, and does not substantially change the project description, result in a new significant environmental impact, or require new mitigation measures.

- **Selective Vegetation Removal**. Vegetation removal will be limited to trees, shrubs, and non-native exotic species that directly encroach upon the proposed trail alignment. Vegetation removal will be limited to plants growing above the mean high water mark, with the exception of grubbing incidental to culvert replacement at Segment 6 (mostly non-native iceplant and grasses) for which ~~the applicant~~ EBRPD has an existing memorandum of understanding with the DFG and ACOE.

The first paragraph of page 10, and the first paragraph on page 45, are revised as shown, because the stipulated consultation with representatives of DFG had been completed after the Initial Study and Proposed Mitigated Negative Declaration was prepared. This revised Environmental Commitment is equivalent to the corresponding Environmental Commitment in the Initial Study and Proposed Mitigated Negative Declaration, and does not substantially change the project description, result in a new significant environmental impact, or require new mitigation measures.

- **Trail Fencing Plan**. The fencing plan has been developed by the project engineer in consultation with EBRPD staff and the project biological consultant. The design calls for a 6 strand, barbless wire fence, with wire at 4 inches, 8 inches, 12 inches, 20 inches, 34 inches and 48 inches above grade. This design should help keep any dogs and people along the trail out of the adjacent sensitive wetlands while allowing the movement of small mammals (such as SMHM, vagrant, shrew, vole) within their existing natural range. ~~EBRPD staff will consult with representatives from the DFG to approve the trail fence design.~~

The second paragraph of page 10, and the second paragraph of page 45, are revised as shown, to clarify preliminary operating hours and make the dog policy consistent with the remainder of the Initial Study and Proposed Mitigated Negative Declaration. This revised Environmental Commitment is equivalent to the corresponding Environmental Commitment in the Initial Study and Proposed Mitigated Negative Declaration, and does not substantially change the project description, result in a new significant environmental impact, or require new mitigation measures.

- **Trail Use Regulations**. Preliminary trail use standards developed by EBRPD call for trail closure between ~~4:00 PM and 9:00 AM~~ dusk and dawn. Other proposed trail standards will require: 1) the development and implementation of an interpretive program (interpretive panels) explaining the biological resources and the sensitivity of Wildcat Marsh, and 2) the posting of permanent signs at the three trail entrance points explaining trail standards (trail closure hours, ~~no dogs~~dogs are allowed (on leash) on trail, stay on trails, etc.). In addition, trail signage stating that access is prohibited in adjacent sensitive wildlife habitat~~"No~~

~~Trail Access, Sensitive Wildlife Habitat, Visitor Access Prohibited"~~ will be posted at a minimum of 300-foot intervals.

The fifth paragraph of page 10, and the fifth paragraph of page 45, are revised as shown, to clarify that EBRPD has an existing memorandum of understanding with the US Army Corps of Engineers (ACOE) as well as the California Department of Fish and Game (DFG). This revised Environmental Commitment is equivalent to the corresponding Environmental Commitment in the Initial Study and Proposed Mitigated Negative Declaration, and does not substantially change the project description, result in a new significant environmental impact, or require new mitigation measures.

- The applicant will obtain all necessary permits and/or authorizations required by the San Francisco Bay Conservation and Development Commission, the DFG, and the RWQCB. It is anticipated that no permits will be required beyond those needed for replacement of the culvert, which is covered by the EBRPD's existing Memorandum of Understanding with ACOE and DFG ~~Regional General Permit~~ for discretionary replacement of existing culverts.

The second paragraph of page 11, and the first full paragraph of page 46, are revised as shown, to add a footnote documenting the opinion of the Corps of Engineers (ACOE). This revised Environmental Commitment is equivalent to the corresponding Environmental Commitment in the Initial Study and Proposed Mitigated Negative Declaration, and does not substantially change the project description, result in a new significant environmental impact, or require new mitigation measures.

- The applicant will re-confirm that the ACOE will not take jurisdiction over the old asphalt roadbed that will be reconstructed as a stabilized decomposed granite trail, and that the two proposed clear span crossings, with abutments above ordinary high water/mean high tide, can be constructed without the necessity for issuance of a ACOE permit, provided that there will be no incidental or direct fill placement into regulatory waters/wetlands.[2]

- [2] Peters, Jeff, Questa Engineering Corp., letter to Glenn Gilchrist, East Bay Regional Parks District, *RE: Section 404 Wetlands Fill Permit and Section 7 Consultation Evaluation, Wildcat Creek to San Pablo Creek Bay Trail, Richmond, CA*, July 9, 2008.

All footnotes in the Initial Study and Proposed Mitigated Negative Declaration subsequent to footnote 2 in the revision above are renumbered correspondingly.

Item 4.0 References, page 78, is revised to add the following citation after the entry for "McGinnis, Samuel":

- Peters, Jeff, Questa Engineering Corp., letter to Glenn Gilchrist, East Bay Regional Parks District, RE: Section 404 Wetlands Fill Permit and Section 7 Consultation Evaluation, Wildcat Creek to San Pablo Creek Bay Trail, Richmond, CA, July 9, 2008.

C. REVISIONS TO THE SAN FRANCISCO BAY TRAIL, WILDCAT CREEK TO SAN PABLO CREEK INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION

As a result of the public review process conducted by the East Bay Regional Park District, the following changes will be made to the April 2009 San Francisco Bay Trail, Wildcat Creek To San Pablo Creek Initial Study and Proposed Mitigated Negative Declaration. Additions are indicated with underlining and deletions with ~~strikeout text~~. **Bold** page numbers refer to the location in the respective documents.

Item 1.1 Project Description

Page 1, first paragraph, fourth sentence, revise as shown:

- The proposed project would provide an additional alignment to~~Realignment of~~ the existing 0.6-mile Bay Trail segment that is currently routed along the Richmond Parkway, and would bring the trail user closer to the Richmond shoreline, separate the user from a heavily traveled vehicular route along the Richmond Parkway, and provide interpretive opportunities of Wildcat Marsh.

Item 1.2 Environmental Commitments

Page 9, fourth paragraph, and page 44, fourth paragraph, revise as shown:

- **Selective Vegetation Removal**. Vegetation removal will be limited to trees, shrubs, and non-native exotic species that directly encroach upon the proposed trail alignment. Vegetation removal will be limited to plants growing above the mean high water mark, with the exception of grubbing incidental to culvert replacement at Segment 6 (mostly non-native iceplant and grasses) for which ~~the applicant~~ EBRPD has an existing memorandum of understanding with the DFG and ACOE.

Page 10, first paragraph, and page 45, first paragraph, revise as shown:

- **Trail Fencing Plan**. The fencing plan has been developed by the project engineer in consultation with EBRPD staff and the project biological consultant. The design calls for a 6 strand, barbless wire fence, with wire at 4 inches, 8 inches, 12 inches, 20 inches, 34 inches and 48 inches above grade. This design should help keep any dogs and people along the trail out of the adjacent sensitive wetlands while allowing the movement of small mammals (such as SMHM, vagrant, shrew, vole) within their existing natural range. ~~EBRPD staff will consult with representatives from the DFG to approve the trail fence design.~~

Page 10, second paragraph, and page 45, second paragraph, are revised as shown:

- **Trail Use Regulations.** Preliminary trail use standards developed by EBRPD call for trail closure between ~~4:00 PM and 9:00 AM~~ dusk and dawn. Other proposed trail standards will require: 1) the development and implementation of an interpretive program (interpretive panels) explaining the biological resources and the sensitivity of Wildcat Marsh, and 2) the posting of permanent signs at the three trail entrance points explaining trail standards (trail closure hours, ~~no dogsdogs~~ are allowed (on leash) on trail, stay on trails, etc.). In addition, trail

signage stating that access is prohibited in adjacent sensitive wildlife habitat~~"No Trail Access, Sensitive Wildlife Habitat, Visitor Access Prohibited" will~~ be posted at a minimum of 300-foot intervals.

Page 10, fifth paragraph, and page 45, fifth paragraph, revise as shown:

- The applicant will obtain all necessary permits and/or authorizations required by the San Francisco Bay Conservation and Development Commission, the DFG, and the RWQCB. It is anticipated that no permits will be required beyond those needed for replacement of the culvert, which is covered by the EBRPD's existing Memorandum of Understanding with ACOE and DFG ~~Regional General Permit~~ for discretionary replacement of existing culverts.

Page 11, second paragraph, and page 46, first full paragraph, revise as shown:

- The applicant will re-confirm that the ACOE will not take jurisdiction over the old asphalt roadbed that will be reconstructed as a stabilized decomposed granite trail, and that the two proposed clear span crossings, with abutments above ordinary high water/mean high tide, can be constructed without the necessity for issuance of a ACOE permit, provided that there will be no incidental or direct fill placement into regulatory waters/wetlands.[2]

- [2] Peters, Jeff, Questa Engineering Corp., letter to Glenn Gilchrist, East Bay Regional Parks District, *RE: Section 404 Wetlands Fill Permit and Section 7 Consultation Evaluation, Wildcat Creek to San Pablo Creek Bay Trail, Richmond, CA*, July 9, 2008.

All footnotes in the Initial Study and Proposed Mitigated Negative Declaration subsequent to footnote 2 in the revision above are renumbered correspondingly.

Page 78 (Item 4.0 References), add the following citation after the entry for "McGinnis, Samuel":

- Peters, Jeff, Questa Engineering Corp., letter to Glenn Gilchrist, East Bay Regional Parks District, RE: Section 404 Wetlands Fill Permit and Section 7 Consultation Evaluation, Wildcat Creek to San Pablo Creek Bay Trail, Richmond, CA, July 9, 2008.

Item 2.2 Project Purpose and Need

Page 24, first full paragraph, second sentence, revise as shown:

- The project would provide an additional alignment~~realignment of this~~ to the existing 0.6-mile Bay Trail segment which would bring the trail user closer to the Richmond shoreline, separate the user from a heavily traveled vehicular route along the Richmond Parkway, and provide interpretive opportunities of the Wildcat Marsh.

Item 2.4 Regulatory and Local Agency Approvals and Permits Needed

Page 25, revise Table 1 as shown:

Table 1: Agency Jurisdiction and Project Approvals

Agency	Applicable Law or Regulation	Authority or Permit Action
	FEDERAL	
U.S. Army Corps of Engineers	Sections 401 and 404 CWA	Consultation: MOU for replacement of culvert—confirm adequacy of mitigations with ACOE Confirm wood-frame bridges can be built without permit
Readiness Branch of the San Francisco District, US Army Corps of Engineers		Approval of proposed work at San Pablo Creek and Wildcat Creek flood control channels
	STATE	
California Department of Fish and Game	California Public Resources Code (CPRC)	Consultation: MOU for replacement of culvert—confirm adequacy of mitigations with DFG Confirm wood-frame bridges can be built without permit
	REGIONAL	
San Francisco Regional Water Quality Control Board	San Francisco Bay Area Basin Plan	CWA Section 402 National Pollutant Discharge Elimination System (NPDES) Permit
Bay Conservation and Development Commission (BCDC)	Federal Coastal Zone Management Act (CZMA)	(Possible) Permit for fill and other project work within a 100-foot band beyond the mean high tide line
	LOCAL	
Contra Costa County	County Code	Use Agreement, San Pablo Levee Drainage Permit and Floodplain Permit
Contra Costa County Flood Control and Water Conservation District	County Code	Encroachment Permit Land rights and agreement
City of Richmond	Municipal Code	Richmond Parkway Encroachment Permit

Item 3.8 Hydrology and Water Quality

Page 67, add the following text after the last paragraph of Item 3.8.c,d):

- The proposed trail would be constructed on the top surface of the existing San Pablo Creek levee. Construction of the trail would require the trimming and removal of a few willow trees and a single Monterey pine, but no trees would be removed from interior of the levee. The top surface of the levee would be slightly increased in height by the placement of approximately six inches of permeable Class II aggregate base rock. No asphalt concrete paving is proposed. The trail

transitions onto the levee would be comprised of fill placed on the outboard slope of the levee. Other than stripping of vegetation along the top surface of the levee, no material would be cut from the levee and no fill would be placed on the interior slope.

- The proposed trail would end at the outer slope of the Wildcat Creek levee. No materials would be added to the top or interior surface of the existing Wildcat Creek levee, and no materials would be cut from the levee. A small amount of fill would be placed at the outer toe of the levee to create a uniform grade up from the crossing and also for the crossing approaches. The proposed crossing at the toe of the levee is over a small seasonal drainage channel which runs along the outer toe of the levee along the West County Wastewater District (WCWD) property boundary. This trail crossing is necessitated by the presence of a seasonal wetland. The bridge structure would clear span the seasonal wetlands area; permits from the Army Corps of Engineers or California Department of Fish and Game are not anticipated as being necessary. During periods of heavy rain and coincident extreme high tides this crossing may become inundated but would not affect Wildcat Creek due to its location on the outboard toe of the levee.

- Therefore, ***no impact*** to either Wildcat or San Pablo Creek is anticipated as a result of proposed trail construction.

Page 67, add the following text after the last paragraph of Item 3.8.c,d) and the additional text presented above:

- The proposed trail alignment would cross two areas of potential flooding, at the northwest and southwest corners of WCWD property on existing roads adjacent to Wildcat Marsh at an elevation of approximately six feet mean sea level (msl). These areas are susceptible to inundation during periods of heavy rain and extreme high tides but would not increase flood water elevations because there is no watershed area draining over these existing roads and the placement of permeable Class II aggregate base road surface would not constrict any existing drainage facilities. The tidal floodplain in this area is very large and the placement of fill for trail surfacing and construction of the bridge structures would represent a very small and insignificant amount of material compared to the total floodplain storage capacity of the tidal floodplain. The small amount of fill would not have a measurable effect on flood water surface elevations at this location. Neither the proposed trail nor the bridge structures would block or divert floodwater, and there are no downstream structures that could be adversely affected by the project. For these reasons, the impact on flooding would be ***less than significant***.